

Agenda Number: 10 Project #: 2018-001497 (1011473) Case #: RZ-2018-00027 Hearing Date: December 13, 2018

## Staff Report

Agent

Manny Barrera, Ravens Wing

Consulting, LLC

Applicant

Elmer Medina

Request

Zone Map Amendment (zone

change)

Legal Description

MRGCD Map 31, Tract 63A2A1B,

except portion to right-of-way of

Griegos Rd. NW

Location

on Griegos Rd. NW, between 12th

St. NW and Rio Grande Blvd. NW

(1711 Griegos Rd. NW)

Size

Approximately 0.25 acre

**Existing Zoning** 

MX-L

**Proposed Zoning** 

MX-T

Summary of Analysis

The request is for a zone map amendment for an approximately 0.25 acre site on the north side of Griegos Rd. NW. The applicant purchased the existing single-family home and is renovating it. The request has been deferred twice for 30 days each.

The subject site's zoning converted to MX-L under the IDO. A single-family home is not allowed in the MX-L zone. The use ceased, so it is not a non-conforming use. The request qualifies for a City-sponsored zone change, but the applicant does not want to wait.

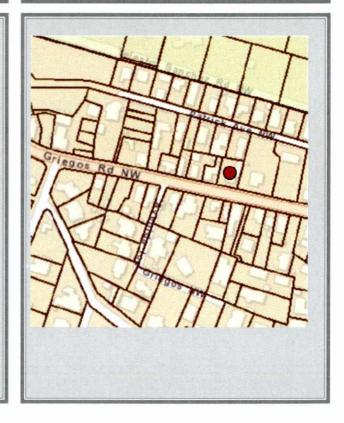
The subject site is in an Area of Consistency as designated by the Comprehensive Plan. The zone change has been adequately justified pursuant to the IDO's criteria for zone map amendments.

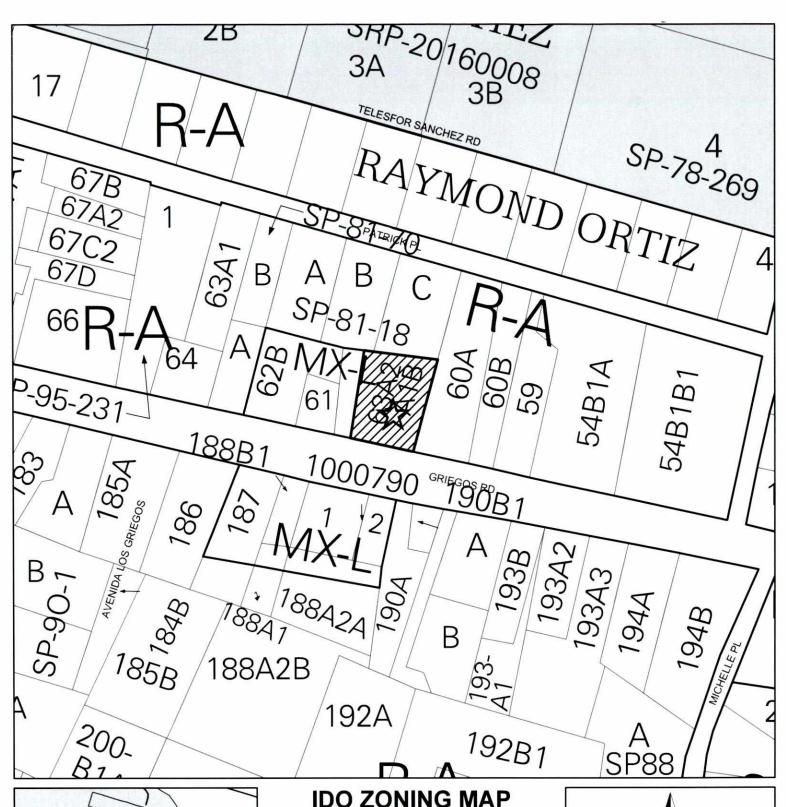
The North Valley Coalition and property owners within 100 feet of the subject site were notified as required. A facilitated meeting was not requested and there is no known opposition. Staff recommends approval.

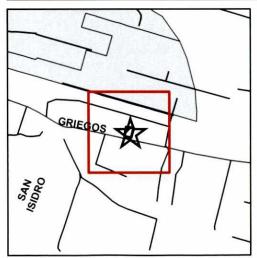
Staff Recommendation

APPROVAL of RZ-2018-00027, based on the Findings beginning on Page 16.

Staff Planner Catalina Lehner, AICP-Senior Planner







## **IDO ZONING MAP**

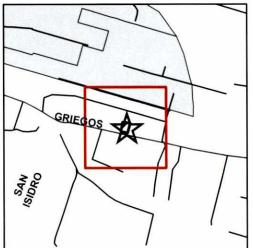
Note: Gray shading indicates County.



1 inch = 100 feet

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## **LAND USE MAP**

Note: Gray shading indicates County.

#### **KEY to Land Use Abbreviations**

AGRI Agriculture

COMM Commercial - Retail

CMSV Commercial - Service

DRNG Drainage

MFG Manufacturing

MULT Multi-Family or Group Home

PARK Park, Recreation, or Open Space

PRKG Parking

PUBF Public Facility

SF Single Family

TRAN Transportation Facility
VAC Vacant Land or Abandoned Buildings

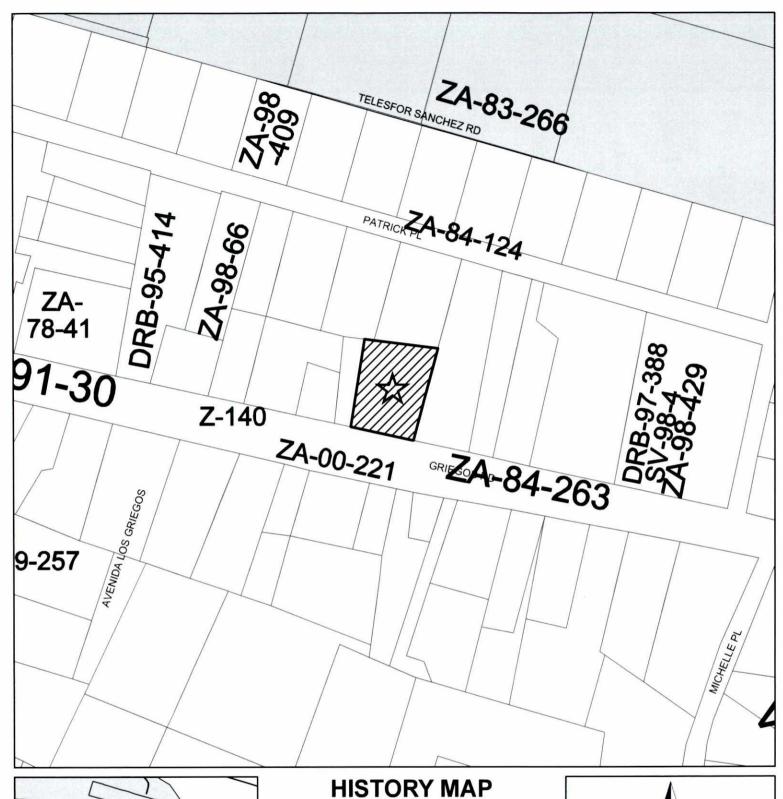
WH Warehousing & Storage

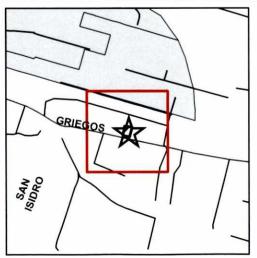


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> Zone Map Page: F-13



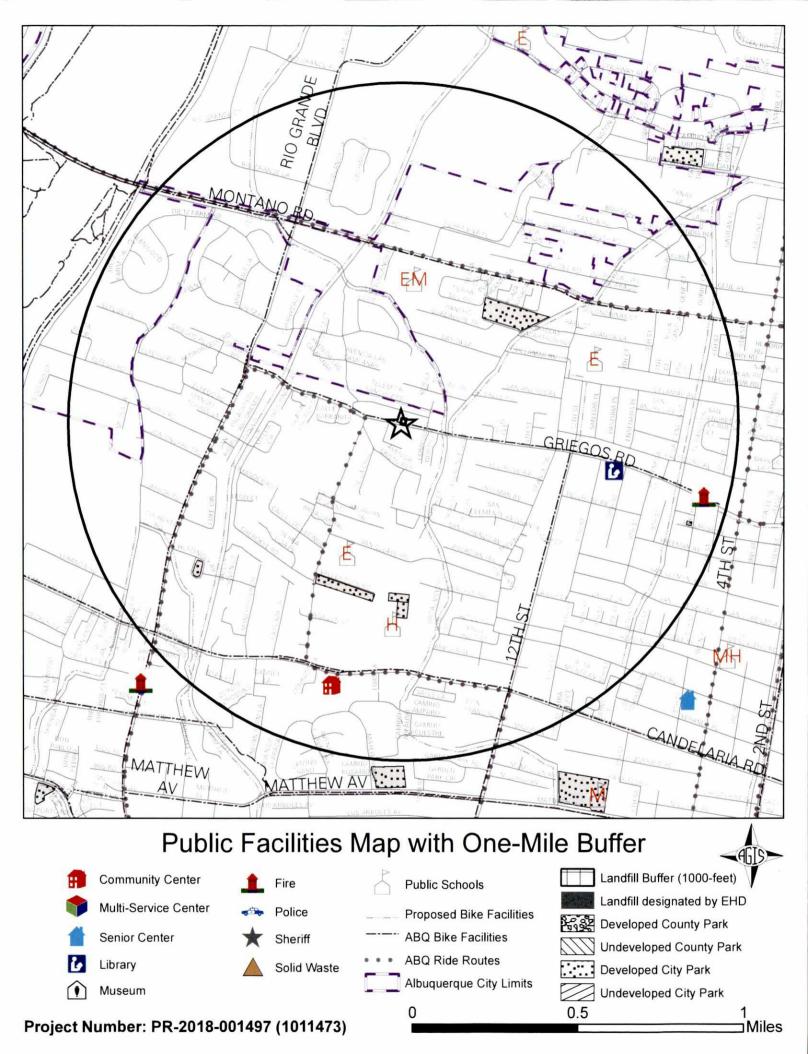


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Attachments

#### I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II Plans	Land Use
Site	MX-L	Area of Consistency	Single-family residential (unoccupied)
North	R-A	Area of Consistency	Single-family residential
South	MX-L, R-A	Area of Consistency	Griegos Rd., Single-family residential
East	R-A	Area of Consistency	Single-family residential
West	MX-L	Area of Consistency	Multi-family residential

#### Request

The request is for a zone map amendment (zone change) for an approximately 0.25 acre site located on the north side of Griegos Rd. NW, between 12th St. NW and Rio Grande Blvd. NW (1711 Griegos Rd. NW). The applicant purchased the existing single-family home and is in the process of renovating it. The request entered the Environmental Planning Commission (EPC) process in October 2018 and was deferred twice, for 30 days each.

The subject site is zoned MX-L (Mixed-Use Low Intensity zone). The applicant is requesting a zone change to MX-T (Mixed Use-Transition zone) so that the existing home can be used as a single-family residence. The MX-L zone does not allow single-family homes, so a zone change is needed. MX-T is requested, rather than a zone in the household living category, because it allows single-family homes and zero setbacks; the existing building abuts the property line to the east.

The request qualifies for a City-sponsored zone change because it meets the criteria for a voluntary downzone: it's a residential use in an Area of Consistency and the property owner wants a lesser zone. However, the applicant does not want to wait for the City to take the zone changes through the process.

#### EPC Role

The EPC is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would make the final decision. The request is a quasi-judicial matter.

#### Context

The subject site is located in an established area characterized by mostly single-family homes on large lots. Rio Grande Blvd. NW is approximately 0.5 mile to the west. Twelfth St. NW is approximately 0.5 mile to the east. Adjacent west are duplexes, each on an MX-L zoned lot. Adjacent east is a single-family home on an R-A zoned lot. North of the subject site are single-family homes on R-A zoned land, and further north are single-family homes in a County subdivision on lots larger than the R-A zoned lots. Adjacent south of the subject site is Griegos Rd. NW. Across the street are four properties zoned MX-L.

The subject site is not located in a designated Activity Center or along a designated Corridor.

#### History

The subject site is part of a larger annexation that occurred sometime in the 1940s. It's unclear from records if the subject site was given R-1 zoning, or at what point in time its zoning changed to C-1 along with the other lots to the west, south, and southwest. Upon adoption of the Integrated Development Ordinance (IDO) in May 2108, the subject site's zoning (and that of the three other C-1 lots) converted to MX-L.

In March 2018, the Zoning Hearing Examiner (ZHE) approved a variance for the subject site of three feet to the required three foot wall height within five feet of the right-of-way (Project #1011473, see attachment). This allows the applicant to have a 6 foot wall.

#### Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Region Planning Organization (MRMPO), identifies the functional classifications of roadways. Griegos Rd. and Twelfth St. are Major Collectors. Rio Grande Blvd. is a Minor Arterial.

#### Comprehensive Plan Corridor Designation

The subject site is not along a designated Corridor.

#### Trails/Bikeways

A designated bicycle path runs along Griegos Rd. NW.

#### Transit

The subject site fronts a Commuter Corridor and is not served directly by Transit. ABQ Ride Route 36/37-Rio Grande/12<sup>th</sup> St., stops within about a quarter mile. This route runs on weekdays. Route 36 runs on Saturdays. Neither runs on Sundays.

#### Public Facilities/Community Services

Please refer to the Public Facilities Map (see attachment), which shows public facilities and community services located within one mile of the subject site.

#### II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

#### Integrated Development Ordinance (IDO)

The subject site is zoned MX-L [Mixed-Use Low Intensity Zone District, IDO 14-16-2-4(B)], which was assigned as a conversion from C-1 upon adoption of the IDO. Permissive uses include single-family homes, cluster development, cottage development, duplexes, a small community residential facility, and religious institutions.

The request proposes to change the subject site's zoning to MX-T (Mixed Use Transition Zone District- IDO 14-16-2-4(A). MX-T is requested, rather than a zone in the household living category, because it allows single-family homes and zero setbacks; the existing building abuts the property line to the east.

The purpose of the MX-T zone is to provide for a transition between neighborhoods and more intense commercial areas. Primary land uses include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses. Allowable uses are listed in Table 4-2 of the IDO.

#### **Definitions**

Mixed-use Development: Properties with residential development and non-residential development on a single lot or premises. For the purposes of this IDO, mixed-use development can take place in the same building (i.e. vertical mixed-use) or separate buildings on the same lot or premises (i.e. horizontal mixed-use).

#### Albuquerque | Bernalillo County Comprehensive Plan

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Consistency. Goals and policies are listed below. Staff analysis follows in plain text. When a Goal or policy is listed and is not applicable, it's because the applicant included them in the zone change justification letter. Other Goals and policies that are relevant, but not listed by the applicant, are included.

#### Chapter 4: Community Identity

Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

The area of the subject site, Griegos Rd., is one of Albuquerque's older, distinct communities in the North Valley. The request would contribute to enhancing, protecting, and preserving this community by allowing a residential use to continue and by rehabilitating the existing home and the site. The request furthers Goal 4.1- Character.

<u>Policy 4.1.3- Placemaking:</u> Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.

Older North Valley homes, such as the existing home on the subject site, are part of a special building environment along Griegos Rd. Rehabilitating the home and the site as a residential use would contribute to the area's identity and sense of place. The request furthers Policy 4.1.3- Placemaking.

<u>Policy 4.1.4- Neighborhoods:</u> Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

Similarly, rehabilitating the home and the site as a residential use would contribute to the neighborhood's long-term health and vitality. The request generally furthers Policy 4.1.4-Neighborhoods.

Chapter 5: Land Use

<u>Goal 5.2-Complete Communities:</u> Foster communities where residents can live, work, learn, shop, and play together.

The request is for a zone change to allow MX-T uses, which are residential and office uses. Though the subject site is small (0.25 acre), in general, residential and small-scale office uses would help foster communities where residents can live, work, and learn because these uses are considered compatible with existing neighborhoods and would add variety to the community in a way that is consistent with the subject site's surroundings. The request furthers Goal 5.2- Complete Communities.

<u>Policy 5.2.1-Land Uses:</u> Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Similarly, the request to allow MX-T uses would contribute to creating a distinct community with a mix of uses that would be consistent with the existing, established neighborhood and conveniently accessible to it. MX-T uses (residential and office uses) are generally considered compatible with neighborhoods, so re-use of the subject site would contribute to creating a healthy and sustainable community. The request furthers Policy 5.2.1-Land Uses.

<u>Goal 5.3-Efficient Development Patterns:</u> Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The request would facilitate re-development of a site that is already served by existing infrastructure and public facilities, which generally would promote the efficient use of land to support the public good. The request furthers Goal 5.3-Efficient Development Patterns.

<u>Policy 5.3.1-Infill Development:</u> Support additional growth in areas with existing infrastructure and public facilities.

Infrastructure and public facilities exist in this established area. Though redevelopment of the existing home isn't growth, the request would allow residential and office uses permissive in the MX-T zone, which would generally support additional growth. The request furthers Policy 5.3.1-Infill Development.

<u>Goal 5.6-City Development Areas:</u> Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site and the surrounding area is designated an Area of Consistency and is characterized by residential uses. The request would allow MX-T uses on the subject site, which are residential and office uses that are generally considered compatible with existing residential uses, and therefore would reinforce the character and intensity of the surrounding area. The request furthers Goal 5.6-Development Areas.

<u>Policy 5.6.3- Areas of Consistency:</u> Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The subject site is located in an Area of Consistency in an older, established neighborhood characterized by mostly single-family homes and some duplexes. The request for MX-T zoning on the approximately 0.25 acre subject site would allow residential and office uses that are generally considered compatible with existing residential uses. Therefore, the request would contribute to protecting and enhancing the character of the surrounding, existing single-family neighborhood in this area outside of a designated Activity Center and not along a designated Corridor. The request furthers Policy 5.6.3-Areas of Consistency.

<u>Goal 6.4- Public Health:</u> Promote individual and community health through active transportation, noise mitigation, and air quality protections.

The request would allow MX-T uses on the subject site which, especially on a The subject is 0.25 acre and would allow MX-T uses, which are mostly residential. Active transportation, noise mitigation, and air quality protections on the subject site would not be significant enough from a community perspective to affect public health. Goal 6.4-Public Health does not apply.

<u>Policy 6.4.2- Air Quality:</u> Reduce the adverse effects of automobile travel on air quality through coordinated land use and transportation that promote the efficient placement of housing, employment, and services and improve the viability of multi-modal transportation options.

The request would allow MX-T uses on the subject site which, especially on a site that is 0.25 acre, would not be large enough generators of vehicle trips to have a measurable effect on air quality. A Traffic Impact Study (TIS) was not required. Furthermore, the connection between automobile emissions and air quality is no longer a significant issue because, as of 2016, Albuquerque/Bernalillo County fulfilled its 20-year commitment as a carbon-monoxide (CO) maintenance area. Policy 6.4.2- Air Quality does not apply.

#### Chapter 9- Housing

<u>Goal 9.1- Supply:</u> Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

<u>Policy 9.1.1-Housing Options:</u> Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

Because the MX-T zone allows office uses as well as residential uses, and the request is not for a housing development and/or a site plan, Goal 9.1-Housing Supply doesn't apply. Similarly, Policy 9.1.1-Housing Options doesn't apply. Also, there's nothing in the request for the MX-T zoning category that addresses housing price and income levels, balanced housing options, and types of residents.

Goal 9.4-Homelessness: Make homelessness rare, short-term, and non-recurring.

The request would facilitate removal of a substandard building that homeless persons have used for shelter. Doing so would not affect the community-wide problem of homelessness because those who used the structure for shelter would have to go elsewhere. The Goal pertains more to providing housing and/or services for homeless persons rather than to a single structure. Goal 9.4- Homelessness does not apply.

<u>Policy 9.4.4- Best practices:</u> Implement an appropriate and effective model to address chronic homelessness.

The request does not pertain to implementing an appropriate and effective model to address chronic homelessness. Though cleaning up the subject site would make it unusable by the homeless population, the request does not have much to do with a model to address chronic homelessness. Policy 9.4.4-Best Practices does not apply.

Goal 13.5 Community Health: Protect and maintain safe and healthy environments where people can thrive.

The request would generally facilitate protecting and maintaining a healthy environment because it would enable the applicant to use the subject site for a renovated single-family home (and other permissive uses in the MX-T zone if desired). These uses would necessitate the clean-up (or replacement) of the substandard building on the site, which has become unsafe and contributed to an unhealthy environment in the area. The request furthers Goal 13.5-Community Health.

Policy 13.5.1-Land Use Impacts: Prevent environmental hazards related to land uses.

The idea of environmental hazards related to land use refers to discouraging incompatible land uses in close proximity, such as residential uses next to industrial uses that are hazards because they are noxious, noisy, or otherwise unpleasant to live near. The request would facilitate cleanup of an unsafe and unhealthy lot, but not an environmental hazard due to disparate land uses near each other. Policy 13.5.1-Land Use Impacts does not apply.

Integrated Development Ordinance (IDO) 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments

#### Requirements

The review and decision criteria outline policies and requirements for deciding zone change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone district was applied to the property; or 2) there has been a significant change in neighborhood or community conditions affecting the site; or 3) a different zone district is more advantageous to the community as articulated by the Comprehensive Plan or other, applicable City plans.

#### Justification & Analysis

The zone change justification letter analyzed here, received on November 21, 2018, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned R1-B (Single-Family Residential Zone. The requested zoning is MX-L (Mixed Use Low Intensity Zone District). The reason for the request is to allow development of multi-family uses and neighborhood commercial uses.

The applicant believes that the proposed zone map amendment (zone change) meets the zone change decision criteria [14-16-6-7(F)(3)] as elaborated in the justification letter. The citation is from the IDO. The applicant's arguments are in *italics*. Staff analysis follows.

A. A proposed zone change must be found to be consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The proposed zone change is consistent with the health, safety, and welfare of the City of Albuquerque, and is not in conflict with a preponderance of applicable Goals and Policies in the ABC Comp Plans as amended, nor the City's IDO as demonstrated in the following analysis:

Applicable citations: Goal 4.1; Policy 4.1.3-Placemaking; Policy 4.14-Neighborhoods; Goal 5.2-Complete Communities; Policy 5.2.1-Land Uses; Goal 3- Efficient Development Patterns; Policy 5.3.1-Infill Development; Goal 5.6-City Development Areas; Policy 5.6.3-Areas of Consistency; Policy 6.1.3-Auto Demand; Policy 6.4.2-Air Quality; Policy 9.1.1-Housing Options; Policy 9.3.2-Other Areas.

Non-applicable citation: Goal 6.4-Public Health; Policy 6.4.2-Air Quality; Goal 9.1-Housing Supply; Policy 9.1.1-Housing Options; Goal 9.4-Homelessness; Policy 9.4.4-Best Practices; Policy 13.5.1-Land Use Impacts. Text citations: one from Chapter 5 and one from Chapter 7.

Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has adequately demonstrated, in his policy-based response, that the request would be consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.

- B. If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:
  - 1. There was typographical or clerical error when the existing zone district was applied to the property.
  - 2. There has been a significant change in neighborhood or community conditions affecting the site.
  - 3. A different zone district is more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The subject property is wholly located in an Area of Consistency and furthers the Goals of the Comp Plan and strengthens the community by providing a variety of market-rate housing types, allowing for further development of transportation corridors, and assists the City in providing employment, shopping and commercial activity. Criteria 1 and 2 do not apply.

Criteria 3 is accomplished and met by the following: downzoning to MX-T would be more aligned with land use directives where any development in an Area of Consistency should reinforce the character, scale and intensity of the surrounding neighborhood. The new zone is more advantageous to the community because it will strengthen or reinforce the established character of the surrounding Area of Consistency.

The zone change to MX-T would be more advantageous to the community than the current zoning (MX-L) because the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with it, as shown in the applicant's policy analysis in the response to Criterion A. The response to Criterion B is sufficient.

- C. If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:
  - 1. There was typographical or clerical error when the existing zone district was applied to the property.
  - 2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
  - 3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

This criterion does not apply because the subject site is not located in an Area of Change, either wholly or in part.

D. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

The proposed zone map amendment is a downzoning from a zone that has more permissive uses to a zone that has less permissive uses. The downzoning would eliminate the more intense commercial uses. The Permissive uses associated with this Proposed ZMA included the Following:

- Bed and Breakfast
- Dwelling, Single Family Detached
- Dwelling Cluster Development
- Dwelling, Cottage Development
- Dwelling, two-family detached

The addition of these permissive uses will not be harmful to the adjacent property, neighborhood or community as it will be compatible with the adjacent properties and will align the proposed use with the neighborhood as a whole. The request will ensure the property use as a single-family dwelling unit is compliant with the revised MX-T zoning requirements and regulations.

The requested MX-T (Mixed-Use Transition Zone) includes fewer permissive uses than the MX-L zone, which allows a variety of neighborhood commercial uses (see applicant's table of uses on p. 6 of the justification letter). Staff points out that the permissive uses in the MX-T zone also include small-scale office uses and multi-family dwellings, which the applicant omitted from the list above. Though the subject site's small size (0.25) acres could constrain development of such uses, they are permissive in the MX-T zone. The purpose of the MX-T zone is to serve as a transition between a more intense zone (ex. MX-L) and residential zones (ex. R-1 zones). That purpose would be achieved with the proposed zone change. The response to Criterion D is sufficient.

E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:

- 1. Have adequate capacity to serve the development made possible by the change of zone.
- 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
- 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
- 4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

The City's existing infrastructure has adequate capacity to serve the development of a single-family dwelling which would be made possible by the requested ZMA and downzoning to MX-T. There are existing roadways, sidewalks, and public facilities that would be utilized by the property. The existing structure was previously utilized as a single-family dwelling, as such it has already been accounted for with regard to the City's existing infrastructure. It is located on an established street and does have an existing sidewalk system.

The applicant refers to sub-criterion 1, that the subject has adequate infrastructure capacity to serve development that the request would make possible. Though the applicant intends to re-use the existing single-family home, it is important to remember that a zone change to MX-T would allow all the permissive uses in the MX-T zone, which includes non-single-family home residential uses and office uses. This established urban area has sufficient infrastructure to support such uses on the approximately 0.25 acre subject site. The response to Criterion E is sufficient.

F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

The justification for the requested zone change is not based on the property's location on a major street. The designation of Griegos as a major street has no bearing whatsoever on this request because the downzoning relies less on passing traffic for the reduced commercial intensity. The proposed ZMA is to accommodate a down zoning from MX-L to MX-T a less intense usage from a land use perspective.

The subject site's location on Griegos Rd. NW, a Major Collector, is not being used as justification for the zone change request. Rather, the justification is based on the request furthering a preponderance of applicable Comprehensive Plan policies as demonstrated in the response to Criterion A. The response to Criterion F is sufficient.

G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

The justification for the requested zone change is not completely or predominately based on the cost of land or economic considerations. Specific to the cost of the Land this ZMA will result in a net decrease in value to the land as it will reduce the permissible commercial uses substantially (see Table 1).

There is an economic component similar to any development project or action; however this is not the primary reason. The primary reason for this ZMA is timing. Based on the analysis in Criteria A, it has been demonstrated that the requested ZMA achieves the Goals and Policies. This request is simply expediting the ZMA at a cost vs. waiting for the potentially Free City Sponsored Zone change next Spring.

The ZMA will allow the property to be revitalized and restored in a manner consistent with what is understood to be its most recent usage, a single family dwelling unit. The potential

economic loss by the downzoning associated with this ZMA will provide an economic benefit to the area as it will revitalize an abandon, substandard structure.

Economic considerations are a factor, but the applicant's justification is not completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan policies. The response to Criterion G is sufficient.

- H. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:
  - 1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
  - 2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
  - 3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

The ZMA requested will clearly facilitate implementation of the ABC Comp Plan, as amended. This is discussed in detail in Criteria A where the specific Goals, Policies and actions are discussed and how this ZMA fully supports the implementation of the ABC Comp Plan, as amended.

The ZMA does create a spot zone; however this discussion will demonstrate that it will function in a compatible and compliant manner with the adjacent zone designations. While the zone designation will be different with the adjacent zones, the permissive land uses will be completely compatible. The proposed Zone is MX-T Mixed Use Transitional, with Transitional being the key word as defined below:

#### 2-4(A) MIXED-USE – TRANSITION ZONE DISTRICT (MX-T)

2-4(A)(1) Purpose The purpose of the MX-T zone district is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses. Allowable uses are shown in Table 4-2-1.

Criteria 1 - As defined above, the application of the MX-T designation in this specific case is appropriate because it will serve as a transition between the residential neighborhoods and more intense commercial areas. The existing zoning east of the property is residential and the zoning to the west will remain MX-L, which is a more intense commercial use.

Criteria 3 – The existing structure on the premises makes it unsuitable for an R-A designation. The structure was formerly utilized as a residence. The existing structure is located at a setback that is not allowed in the adjacent R-A zoning.

The request would result in a spot zone because it would apply a zone district different from

the surrounding zone districts to one small premise. However, the applicant has demonstrated, in a policy-based analysis, that the request would clearly facilitate implementation of the Comprehensive Plan and that subcriteria 1 applies.

The subject site could function as a transition between adjacent property zoned MX-L and surrounding property zoned R-A (subcriterion 1). Staff finds that subcriterion 3 does not apply. Though the existing structure is located at the subject site's eastern lot line (zero setback) and would not be suitable for a residential zone unless a variance is obtained, the nature of the structure (including its setback) would be appropriate and allowed in the adjacent zoning district MX-L. The response to Criterion H is sufficient.

Staff concludes that the applicant has adequately justified the proposed zone change from MX-L to MX-T. The applicant's policy-based analysis shows that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not conflict with them. Though at spot zone would be created, it would be a justifiable spot zone because the request would clearly facilitate implementation of the Comprehensive Plan.

#### III. AGENCY & NEIGHBORHOOD CONCERNS

#### Reviewing Agencies

City departments and other interested agencies reviewed this application from 9/4/2018 to 9/17/2018. Few agency comments were received. Long Range Planning notes that the single-family use seems to match the predominant land use surrounding the site, and that the Comprehensive Plan recommends that neighborhood-serving businesses be within walking distance of neighborhoods. In this case, MX-T would still allow small-scale retail and office uses that could provide such services in the future.

The Water Utility Authority stated that the subject site is currently receiving service. Albuquerque Public Schools (APS) notes that the elementary, junior high, and high schools in the area have capacity. PNM provided standard comments regarding utility easements and contacting them to establish new service. Agency comments begin on p. 21.

#### Neighborhood/Public

The Rio Grande Boulevard Neighborhood Association (NA), the South Guadalupe Trail NA, and the North Valley Coalition was required to be notified, which the applicant did (see attachments). Property owners within 100 feet of the subject site were also notified, as required (see attachments).

The applicant met with a representative of the Rio Grande Boulevard NA in August 2018 (see attachments). A facilitated meeting was neither requested nor held. As of this writing, Staff has not received any comments. There is no known opposition.

#### IV. CONCLUSION

The request is for a zone map amendment (zone change) for an approximately 0.25 acre site located on the north side of Griegos Rd. NW, between 12th St. NW and Rio Grande Blvd. NW

(1711 Griegos Rd. NW). The applicant is in the process of renovating the existing single-family home. The request entered the EPC process in October 2018 and was deferred twice, for 30 days each.

The subject site is zoned MX-L. The applicant is requesting a zone change to MX-T (Mixed Use-Transition zone) so that the existing home can be used as a single-family residence. The MX-L zone does not allow single-family homes, so a zone change is needed. MX-T is requested because it allows single-family homes with zero setbacks; the existing building abuts the property line to the east. The request qualifies for a City-sponsored zone change, but the applicant does not want to wait for the City to take the zone changes through the process.

The Rio Grande Boulevard Neighborhood Association (NA), the South Guadalupe Trail NA, and the North Valley Coalition was required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required.

The applicant met with a representative of the Rio Grande Boulevard NA. A facilitated meeting was neither requested nor held. As of this writing, Staff has not received any comments. There is no known opposition. Staff recommends approval.

# FINDINGS - RZ-2018-00027 (1011473), December 13, 2018- Zone Map Amendment (Zone Change)

- The request is for a zone map amendment (zone change) for an approximately 0.25 acre site located on the north side of Griegos Rd. NW, between 12th St. NW and Rio Grande Blvd. NW (1711 Griegos Rd. NW). The applicant purchased the existing single-family home and is in the process of renovating it.
- 2. The subject site is zoned MX-L (Mixed Use, Low Intensity Zone). The MX-L zone does not allow single-family homes. The applicant is requesting a zone change to MX-T (Mixed Use-Transition zone) in order to use the existing home as a single-family residence and to accommodate the existing building's side setback of 0 feet. Unlike the zones in the household living category, the MX-T zone allows zero setbacks.
- 3. The request qualifies for a City-sponsored zone change because it meets the criteria for a voluntary downzone: it's a residential use in an Area of Consistency and the property owner wants a lesser zone. However, the applicant does not want to wait for the City to take the zone changes through the process.
- 4. The subject site is in an area that the Comprehensive Plan has designated an Area of Consistency. It is not in a designated Activity Center or along a designated Corridor. No overlay zones apply.
- 5. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
- 6. The request furthers the following, applicable Goal and policies in Comprehensive Plan Chapter 4: Community Identity:
  - A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.
    - The area of the subject site, Griegos Rd., is one of Albuquerque's older, distinct communities in the North Valley. The request would contribute to enhancing, protecting, and preserving this community by allowing a residential use to continue and by rehabilitating the existing home and the site. The request furthers Goal 4.1- Character.
  - B. Policy 4.1.3- Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.
    - Older North Valley homes, such as the existing home on the subject site, are part of a special building environment along Griegos Rd. Rehabilitating the home and the site as a residential use would contribute to the area's identity and sense of place. The request furthers Policy 4.1.3- Placemaking.

- C. Policy 4.1.4- Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.
  - Similarly, rehabilitating the home and the site as a residential use would contribute to the neighborhood's long-term health and vitality. The request generally furthers Policy 4.1.4-Neighborhoods.
- 7. The request furthers the following, applicable Goal and policy in Comprehensive Plan Chapter 5: Land Use, regarding Complete Communities:
  - A. Goal 5.2-Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.
    - The request is for a zone change to allow MX-T uses, which are residential and office uses. Though the subject site is small (0.25 acre), in general, residential and small-scale office uses would help foster communities where residents can live, work, and learn because these uses are considered compatible with existing neighborhoods and would add variety to the community in a way that is consistent with the subject site's surroundings.
  - B. Policy 5.2.1-Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.
    - Similarly, the request to allow MX-T uses would contribute to creating a distinct community with a mix of uses that would be consistent with the existing, established neighborhood and conveniently accessible to it. MX-T uses (residential and office uses) are generally considered compatible with neighborhoods, so re-use of the subject site would contribute to creating a healthy and sustainable community.
- 8. The request furthers the following, applicable Goal and policy in Comprehensive Plan Chapter 5: Land Use, regarding Development Patterns:
  - A. Goal 5.3-Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.
    - The request would facilitate re-development of a site that is already served by existing infrastructure and public facilities, which generally would promote the efficient use of land to support the public good.
  - B. Policy 5.3.1-Infill Development: Support additional growth in areas with existing infrastructure and public facilities.
    - Infrastructure and public facilities exist in this established area. Though redevelopment of the existing home isn't growth, the request would allow residential and office uses permissive in the MX-T zone, which would generally support additional growth.
- 9. The request furthers the following, applicable Goal and policy in Comprehensive Plan Chapter 5: Land Use, regarding City Development Areas:

- A. Goal 5.6-City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.
  - The subject site and the surrounding area is designated an Area of Consistency and is characterized by residential uses. The request would allow MX-T uses on the subject site, which are residential and office uses that are generally considered compatible with existing residential uses, and therefore would reinforce the character and intensity of the surrounding area.
- B. Policy 5.6.3- Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.
  - The subject site is located in an Area of Consistency in an older, established neighborhood characterized by mostly single-family homes and some duplexes. The request for MX-T zoning on the approximately 0.25 acre subject site would allow residential and office uses that are generally considered compatible with existing residential uses. Therefore, the request would contribute to protecting and enhancing the character of the surrounding, existing single-family neighborhood in this area outside of a designated Activity Center and not along a designated Corridor.
- 10. The request furthers the following, applicable Goal in Comprehensive Plan Chapter 13-Resilience and Sustainability:
  - Goal 13.5 Community Health: Protect and maintain safe and healthy environments where people can thrive.
  - The request would generally facilitate protecting and maintaining a healthy environment because it would enable the applicant to use the subject site for MX-T uses (including a renovated single-family home). These uses would necessitate the clean-up (or replacement) of the substandard building on the site, which has become unsafe and contributed to an unhealthy environment in the area.
- 11. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments, as follows:
  - A. <u>Criterion A:</u> Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has adequately demonstrated, in s policy-based response, that the request would be consistent with the City's health, safety, morals and general welfare.
  - B. <u>Criterion B:</u> The zone change to MX-T would be more advantageous to the community than the current zoning (MX-L) because the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with it, as

- shown in the applicant's policy analysis in the response to Criterion A. The request furthers several policies with respect to community identity and land use.
- C. <u>Criterion C:</u> This criterion does not apply because the subject site is not located in an Area of Change, either wholly or in part.
- D. <u>Criterion D</u>: The requested MX-T (Mixed-Use Transition Zone) includes fewer permissive uses than the MX-L zone, which allows a variety of neighborhood commercial uses. Permissive uses in the MX-T zone also includes office uses and multi-family dwellings. Though the subject site's small size (0.25) acre could constrain development of such uses, they are permissive in the MX-T zone. The purpose of the MX-T zone is to serve as a transition between a more intense zone (ex. MX-L) and residential zones (ex. R-1 zones). That purpose would be achieved with the proposed zone change.
- E. <u>Criterion E:</u> The applicant refers to sub-criterion 1, that the subject has adequate infrastructure capacity to serve development that the request could make possible. A zone change to MX-T would allow all the permissive uses in the MX-T zone, which includes non-single-family home residential uses and office uses. This established urban area has sufficient infrastructure to support such uses on the approximately 0.25 acre subject site.
- F. <u>Criterion F:</u> The subject site's location on Griegos Rd. NW, a Major Collector, is not being used as justification for the zone change request. Rather, the justification is based on the request furthering a preponderance of applicable Comprehensive Plan policies as demonstrated in the response to Criterion A.
- G. <u>Criterion G:</u> Economic considerations are a factor, but the applicant's justification is not completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan policies.
- H. <u>Criterion H:</u> The request would result in a spot zone because it would apply a zone district different from the surrounding zone districts to one small premise. However, the applicant has demonstrated, in a policy-based analysis, that the request would clearly facilitate implementation of the Comprehensive Plan and that subcriteria 1 applies. The subject site could function as a transition between adjacent property zoned MX-L and surrounding property zoned R-A.
- 12. The applicant has adequately justified the proposed zone change from MX-L to MX-T. The applicant's policy-based analysis shows that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not conflict with them. Though at spot zone would be created, it would be a justifiable spot zone because the request would clearly facilitate implementation of the Comprehensive Plan.

- 13. The Rio Grande Boulevard Neighborhood Association (NA), the South Guadalupe Trail NA, and the North Valley Coalition was required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required.
- 14. The applicant met with a representative of the Rio Grande Boulevard NA. A facilitated meeting was neither requested nor held. As of this writing, Staff has not received any comments. There is no known opposition.

#### RECOMMENDATION - RZ-2018-00027, December 13, 2018

APPROVAL of Project #: 2018-001497, Case #: RZ-2018-00027, a zone change from MX-L to MX-T, for MRGCD Map 31, Tract 63A2A1B, except portion to right-of-way of Griegos Rd. NW, an approximately 0.25 acre site located on Griegos Rd. NW, between 12th St. NW and Rio Grande Blvd. NW, based on the preceding Findings.

Catalina Lehner

Catalina Lehner, AICP Senior Planner

#### Notice of Decision cc list:

Manny Barrera, Ravens Wing Consulting, <a href="mailto:mannybarrera@ravenswingconsulting.com">mannybarrera@ravenswingconsulting.com</a>
Rio Grande Blvd. NA, Jim Kenney, 2416 Arbor Rd NW, ABQ, NM 87107
Rio Grande Blvd. NA, Eleanor Walther, 2212 Camino De Los Artesanos NW, ABQ, NM 87107
South Guadalupe Trail NA, Andy Apple, 5116 Guadalupe Tr. NW, ABQ, NM 87107
South Guadalupe Trail NA, Margaret Freeman, 1505 Plaza Encantada NW, ABQ, NM 87107
North Valley Coalition, Doyle Kimbrough, 2327 Campbell Rd NW, ABQ, NM 87104
North Valley Coalition, Peggy Norton, P.O. BOX 70232, ABQ, NM 87197
John Dubois, <a href="mailto:jdubois@cabq.gov">jdubois@cabq.gov</a>

## CITY OF ALBUQUERQUE AGENCY COMMENTS

#### PLANNING DEPARTMENT

#### Zoning Enforcement

#### Office of Neighborhood Coordination

#### Long Range Planning

This site was formerly zoned C-1 and converted to MX-L under the IDO, which does not allow single-family homes. The existing home is nonconforming in MX-L but would be allowed under MX-T per Allowable Use Table 4-2-1.

The site is in an Area of Consistency, and the single-family use seems to match the predominant land use surrounding the site.

In general, the ABC Comprehensive Plan recommends that neighborhood-serving businesses be within walking distance of neighborhoods. In this case, MX-T would still allow small-scale retail and office uses that could provide such services in the future.

Long Range supports this zone map amendment request.

#### **CITY ENGINEER**

#### **Transportation Development**

No objection to the request.

#### **Hydrology Development**

#### New Mexico Department of Transportation (NMDOT)

NMDOT has no comments.

#### DEPARTMENT of MUNICIPAL DEVELOPMENT

#### Transportation Planning

No comment.

#### Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

#### RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:

#### WATER UTILITY AUTHORITY

#### **Utility Services**

RZ-2018-00027 – Zone Map Amendment (Zone Change)

Identification: UPC - 101306141712141225

- No adverse comment to the proposed zone map amendment.
- b. Records indicate that the indicated site is currently receiving service.

#### ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

**Environmental Services Division** 

PARKS AND RECREATION

Planning and Design

**Open Space Division** 

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- No comment.

FIRE DEPARTMENT/Planning

#### TRANSIT DEPARTMENT

Not on a corridor. Not on a route. Fixed Routes 36 and 37 (both one-way loops serving the Alvarado Transportation Center) have stops south of Griegos at San Isidro. No comment.

## COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

# ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY No objections.

#### ALBUQUERQUE PUBLIC SCHOOLS

APS Case Comments: The request for a zone change from MX-L to MX-T, in order to renovate the existing property into a single-family residence has the potential for a direct impact on Albuquerque Public Schools. Any residential development at this location may impact Alvarado Elementary School, Taft Middle School, and Valley High School.

- i. Residential Units: 1
- ii. Est. Elementary School Students: 1
- iii. Est. Middle School Students: 1
- iv. Est. High School Students: 1
- v. Est. Total # of Students from Project: 3

<sup>\*</sup>The estimated number of students from the proposed project is based on an average student generation rate for the entire APS district.

**School Capacity** 

School	2017-2018 40 <sup>th</sup> Day Enrollment	Facility Capacity	Space Available
Alvarado Elementary School	300	486	186
Taft Middle School	380	600	220
Valley High School	1098	1800	702

#### **MID-REGION COUNCIL OF GOVERNMENTS**

MRMPO has no adverse comments.

#### MIDDLE RIO GRANDE CONSERVANCY DISTRICT

#### PUBLIC SERVICE COMPANY OF NEW MEXICO

- It is the applicant's obligation to determine if existing utility easements or rights-of- way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
- 2. It is necessary for the developer to contact the PNM New Service Delivery Department to coordinate electric service regarding this project. Contact: Andrew

Gurule PNM Service Center 4201 Edith Boulevard NE Albuquerque, NM 87107 Phone: (505) 241-0589

Pictures Taken: October 3, 2018

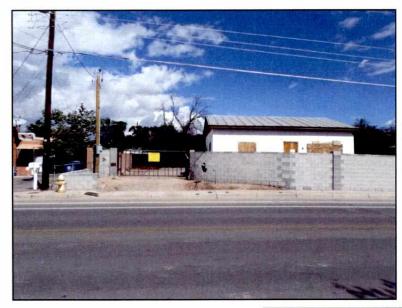


Figure 1: Looking north, from Griegos Rd. NW, at the subject site.

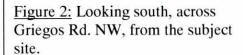






Figure 3: Looking east, in front of the subject site, down Griegos Rd. NW.

Page 1 of 2

Hearing Date: December 13, 2018 Pictures Taken: October 3, 2018

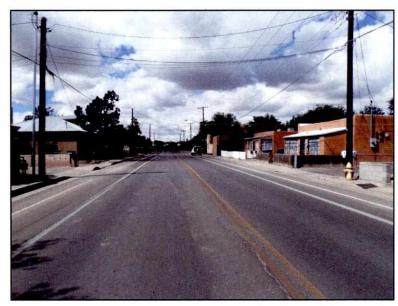
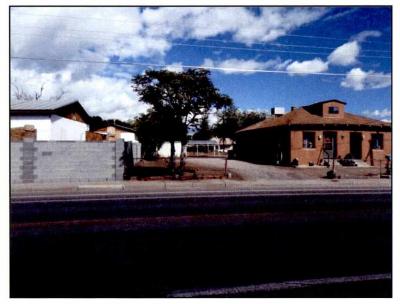


Figure 4: Looking west, down Griegos Rd. NW, in front of the subject site.

Figure 5: Looking northeast, across Griegos Rd. NW, at the subject site and the lot adjacent to the west. The dwelling on the adjacent lot is a duplex.





<u>Figure 6:</u> Looking at the subject site and the lot adjacent east, from across Griegos Rd. NW.

Page 2 of 2



# CITY OF ALBUQUERQUE

PLANNING DEPARTMENT URBAN DESIGN & DEVELOPMENT DIVISION 600 2nd Street NW, 3rd Floor, 87102 P.O. Box 1293, Albuquerque, NM 87103 Office (505) 924-3860 Fax (505) 924-3339



## OFFICIAL NOTIFICATION OF DECISION

October 11, 2018

Elmer Medina 847 Griegos Rd. NW Albuquerque, NM 87107 Project #2018-001497 (1011473)

RZ-2018-00027 - Zone Map Amendment (Zone Change)

#### LEGAL DESCRIPTION:

The above action for MRGCD Map 31, Tract 63A2A1B, except portion to right-of-way of Griegos Rd. NW, zoned MX-L, to MX-T, located on 1711 Griegos Rd. NW, between 12<sup>th</sup> St. NW and Rio Grande Blvd. NW, containing approximately 0.25 acres. (F-13)

Staff Planner: Catalina Lehner

PO Box On October 11, 2018 the Environmental Planning Commission (EPC) voted to DEFER Project 2018-001497/RZ-2018-00027, a Zone Map Amendment (Zone Change), for 60 days based on the following Findings:

## Albuquerque FINDINGS:

- 1. The request is for a zone map amendment (zone change) for an approximately 0.25 acre site located on the north side of Griegos Rd. NW, between 12th St. NW and Rio Grande Blvd. NW.
- 2. The applicant wants to use the existing single-family home as a residence. The subject site is zoned MX-L, but the MX-L zone does not allow single-family homes, so a zone change is needed.
  - 3. The request qualifies for a City-sponsored zone change because it meets the criteria for a voluntary downzone. However, the applicant does not want to wait.
  - 4. A deferral is needed to allow additional time for the applicant to justify the request pursuant to the IDO Review and Decision Criteria for zone changes.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by OCTOBER 26, 2018. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is

OFFICIAL NOTICE OF DECISION Project #2018-001497 October 11, 2018 Page 2 of 2

required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,

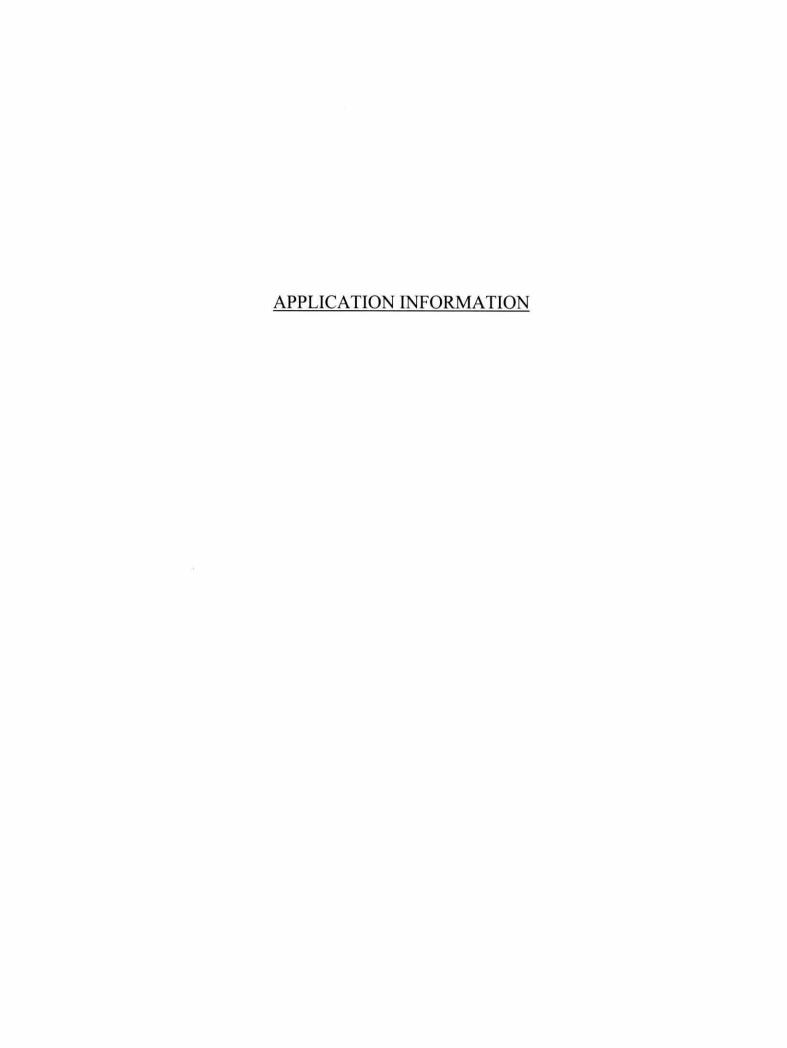
David S. Campbell Planning Director

DSC/CL

cc: Elmer Medina, 847 Griegos Rd NW, ABQ, NM 87107
Rio Grande Blvd. NA, Jim Kenney, 2416 Arbor Rd NW, ABQ, NM 87107
Rio Grande Blvd. NA, Eleanor Walther, 2212 Camino De Los Artesanos NW, ABQ, NM 87107
South Guadalupe Trail NA, Andy Apple, 5116 Guadalupe Tr. NW, ABQ, NM 87107
South Guadalupe Trail NA, Margaret Freeman, 1505 Plaza Encantada NW, ABQ, NM 87107
North Valley Coalition, Doyle Kimbrough, 2327 Campbell Rd NW, ABQ, NM 87104
North Valley Coalition, Peggy Norton, P.O. BOX 70232, ABQ, NM 87197
Kevin Morrow kmorrow@cabq.gov
Kathy Berglund kberglund@cabq.gov

## **ZONING**

Please refer to the Integrated Development Ordinance (IDO) for specifics regarding the MX-T and MX-L zones



# Albuquerque



#### DEVELOPMENT REVIEW APPLICATION

Effective 5/17/18

		***************************************	Effective 5/17/18
Please check the appropriate box and refer to	supplemental forms for su	bmittal requirements. All fe	es must be paid at the time of application.
Administrative Decisions   ☐ Historic Certificate of Appropriateness (Form L)		ppropriateness – Major	☐ Wireless Telecommunications Facility Waiver (Form W2)
☐ Archaeological Certificate (Form P3)	☐ Historic Design Standards and Guidelines (Form L)		Policy Decisions
$\hfill \Box$ Historic Certificate of Appropriateness – Minor (Form L)	□ Master Development Plan (Form P1)		☐ Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
☐ Alternative Signage Plan (Form P3)	☐ Site Plan – EPC includ (Form P1)	ing any Variances – EPC	☐ Adoption or Amendment of Historic Designation (Form L)
☐ WTF Approval (Form W1)	☐ Site Plan – DRB (Form	P2)	☐ Amendment of IDO Text (Form Z)
☐ Minor Amendment to Site Plan (Form P3)	☐ Subdivision of Land — I	Minor (Form S2)	☐ Annexation of Land (Form Z)
Decisions Requiring a Public Meeting or Hearing	☐ Subdivision of Land – I	Major (Form S1)	Amendment to Zoning Map – EPC (Form Z)
☐ Conditional Use Approval (Form ZHE)	☐ Vacation of Easement	or Right-of-way (Form V)	☐ Amendment to Zoning Map – Council (Form Z)
☐ Demolition Outside of HPO (Form L)	☐ Variance – DRB (Form	(V)	Appeals
☐ Expansion of Nonconforming Use or Structure (Form ZHE)	☐ Variance – ZHE (Form	ZHE)	☐ Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)
APPLICATION INFORMATION			×
Applicant: Elmer Meding			Phone:(505) 980 -1472
Address: 847 Grieges Rd 1	JW		Phone: (505) 980-1422 Email: M. elmer. Medina@gmail.
City: Albuquerous		State: NM	Zip: 87107
Professional/Agent (if any): ~/A			Phone:
Address:			Email:
City:		State:	Zip:
Proprietary Interest in Site:		List all owners:	
BRIEF DESCRIPTION OF REQUEST			2. 1. 2
tone change from N	IX-L to N	IX-T	
SITE INFORMATION (Accuracy of the existing	legal description is crucia	!! Attach a separate sheet if	necessary.)
Lot or Tract No.:		Block: —	Unit: —
Subdivision/Addition:		MRGCD Map No.: 3	UPC Code:
Zone Atlas Page(s): F-13-2		AX-L	Proposed Zoning: MX - T
# of Existing Lots:	# of Proposed Lots:		Total Area of Site (acres): 0.234
LOCATION OF PROPERTY BY STREETS			
Site Address/Street: 1711 Gregos	Between: 12H		and: Rio Grande
CASE HISTORY (List any current or prior proje	ct and case number(s) tha	at may be relevant to your re	equest.)
1011473			
Signature:		Date: 8/29/18	
Printed Name: Elmer Medin	Applicant or		
FOR OFFICIAL USE ONLY			
Case Numbers		Action	Fees
Kz. 2018-00027-		ZMA-EPC	\$475.00
-			
Meeting/Hearing Date: Antohor II	2018		Foo Total, \$1176
Meeting/Hearing Date: 10000 11 1	2018	Data: Of Sign	Fee Total: \$475,00
otali orginature.		Date: 8-30-1	8 Project # PR-2018-001497

### Form Z: Policy Decisions

Date:

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and documents being submitted must be emailed to <a href="PLNDRS@cabq.gov">PLNDRS@cabq.gov</a> prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

8/6	INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted) Interpreter Needed for Hearing? if yes, indicate language: Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)  Letter of authorization from the property owner if application is submitted by an agent Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)  Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contigu	(not required for Amendment to IDO lous to City limits.	
	ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN  ADOPTION OR AMENDMENT OF FACILITY PLAN  Plan, or part of plan, to be amended with changes noted and marked  Letter describing, explaining, and justifying the request per the criteria in IDO Sections applicable  Required notices with content per IDO Section 14-16-6-4(K)(6)  Office of Neighborhood Coordination notice inquiry response, notifying letter, and perform proof of emailed notice to affected Neighborhood Association representatives  Buffer map and list of property owners within 100 feet (excluding public rights-of-wardlass mailing)	roof of first class mailing	
	AMENDMENT TO IDO TEXT  Section(s) of the Integrated Development Ordinance to be amended with changes not Justification letter describing, explaining, and justifying the request per the criteria in ID Required notices with content per IDO Section 14-16-6-4(K)(6)  Office of Neighborhood Coordination notice inquiry response, notifying letter, and p  Buffer map and list of property owners within 100 feet (excluding public rights-of-wardlass mailing)	PO Section 14-16-6-7(D)(3) roof of first class mailing	
	ZONING MAP AMENDMENT – EPC  ZONING MAP AMENDMENT – COUNCIL  X Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)  Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable  X Required notices with content per IDO Section 14-16-6-4(K)(6)  X Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing  X Proof of emailed notice to affected Neighborhood Association representatives  X Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing  X Sign Posting Agreement		
	ANNEXATION OF LAND  Application for Zoning Map Amendment Establishment of zoning must be applied for some Petition for Annexation Form and necessary attachments  Letter describing, explaining, and justifying the request per the criteria in IDO Section Board of County Commissioners (BCC) Notice of Decision		
I,	the applicant or agent, acknowledge that if any required information is not submitted with to cheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.	his application, the application will not be	
Sig	nature:	Date: 8/29/18	
COLUMN TO SERVICE STATE OF THE PERSON NAMED IN COLUMN TO SERVICE STATE OF THE PERSON NAMED STATE OF THE PERSON NAMED STATE OF THE PERSON NAMED STATE OF THE PERSON NAM	nted Name: Elman Medina	Applicant or Agent	
FO	R OFFICIAL USE ONLY		
Sta	Project Number: Case Numbers  PR-2016-001497 RZ-2018-00027	(7706)	

### Lehner, Catalina L.

From:

Elmer Medina < m.elmer.medina@gmail.com >

Sent:

Thursday, October 11, 2018 8:37 AM

To:

Lehner, Catalina L.

Subject:

Re: agency comments & ZC letter

## Catalina,

Please find this letter as Authorization for the EPC action of the the Zoning Map Amendment Application for the property located at 1711 Griegos Rd NW in Albuquerque NM 87107 to be represented by J Manuel Barrera, PE of Ravens Wing Consulting, LLC, on behalf of Elmer Medina. Feel free to contact me if you have any questions or concerns.

## Respectfully,

Elmer Medina – Owner 847 Griegos Rd NW Albuquerque, NM 87107

On Wed, Oct 10, 2018 at 5:36 PM Lehner, Catalina L. < CLehner@cabq.gov> wrote:

Thank you. I got it.

From: Elmer Medina [mailto:m.elmer.medina@gmail.com]

Sent: Wednesday, October 10, 2018 4:47 PM

To: Lehner, Catalina L.

Subject: Re: agency comments & ZC letter

Catalina,

# CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Elmer Meding DATE OF REQUEST: 8/6/18 ZONE ATLAS PAGE(S): F-13-2
CURRENT: LEGAL DESCRIPTION:
ZONING MX-L LOT OR TRACT # 63A 2A 1B BLOCK #
PARCEL SIZE (AC/SQ. FT.) 0.234 AC SUBDIVISION NAME
REQUESTED CITY ACTION(S):
ANNEXATION [ ] SITE DEVELOPMENT PLAN:
ZONE CHANGE [X]: From $Mx - L$ To $Mx - T$ SUBDIVISION* [ ] AMENDMENT [ ]
SECTOR, AREA, FAC, COMP PLAN [ ] BUILDING PERMIT [ ] ACCESS PERMIT [ ]
AMENDMENT (Map/Text) [ ] BUILDING PURPOSES [ ] OTHER [ ]
*includes platting actions
PROPOSED DEVELOPMENT: GENERAL DESCRIPTION OF ACTION:
NO CONSTRUCTION/DEVELOPMENT [ ] # OF UNITS:
NEW CONSTRUCTION [ ] BUILDING SIZE: ~ 2700 (sq. ft.)
EXPANSION OF EXISTING DEVELOPMENT 🔀
Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.  APPLICANT OR REPRESENTATIVE  DATE 8/6/18
(To be signed upon completion of processing by the Traffic Engineer)
Planning Department, Development & Building Services Division, Transportation Development Section - 2 <sup>ND</sup> Floor West, 600 2 <sup>nd</sup> St. NW, Plaza del Sol Building, City, 87102, phone 924-3994
TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO N BORDERLINE [ ]
THRESHOLDS MET? YES [ ] NO X] MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: [ ] Notes:
If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. Any subsequent changes to the development proposal identified above may require an update or new TIS.
TRAFFIC ENGINEER DATE DATE
Required TIS must be completed prior to applying to the EPC and/or the DRB. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.
TIS -SUBMITTED// TRAFFIC ENGINEER DATE

PRE-APPLICAT	TION REVIE	W TEAM (PRT) MEETIN	NG NOTES
PA# 18-231 Address: 1711 Griegos Rd NW	_ Date: _	08-06-2018	Time:3:00pm
Planning: Cheryl Michael	:		
Code Enforcement: Ricardo			,
Fire Marshall:			
Transportation:			
PRT DISCUSSIONS THEY ARE NON-BINDING Additional research may be necessary Factors unknown at this time and/or the REQUEST: Use property as	AND DO N to determi ought of a	ne the exact type of app s minor could become s	ND OF APPROVAL plication and/or process needed. ignificant as the case progresses.
Parking: Table 5-5-1	<u>'9)</u>	Comp Plan Corri  MPOS or Sensiti  MR Area:	N/A idor: N/A ve Lands: N/A
Use Specific Standards:			
*Neighborhood Organization/s:  *This is preliminary information only. Neighborhood Control of Neighbor	ghborhood	l Organization informat	ion is only accurate when obtained
	Amenda	nent - EPC Is this PRT a requ	uirement? Yes

	PRI	E-APPLICATION REVIEW TEAM (PRT) MEETING NOTES
PA#	18-231	Date:08-06-2018 Time:3:00pm
Address: _	1711 Griego	
		d Use in MX-L Zone is noncomforming.
		1? May be beyond timeframe for nonconformance.
TIOW !	ong vices.	Been posted sub-standard.
Qualif	ies for ci-	ty-sponsored zone change process over next year:
		wn zone in Area of Consistency
	von conform	•
If co	ant wait 2	options:
10 1	Expansion	n of Nonconforming use - No more than 25% floor area
		would not count toward this onea:
		Planning more than
<u> </u>	7-0100 Ma	ap Amendment - EPC
	- 6-7 (F	
		30th next deadline - 2 month process
		s → MX-T world work.
	V	
Offi	ce of Neigh	aborhood Recordantion (ONC)
	, ·	hood Contacts
Y		ections for Neighborhood Latter
	THOM	VIION TO IN STANSON
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### Project # 2018-001497 (1011473)

Griegos Rd. Zone Change 1711 Griegos Rd. NW Albuquerque, NM 87107

DATE OF LETTER: November 19, 2018

Presented to City of Albuquerque Environmental Planning Commission
Mr. Derek Bohannan, Chairman
C/O – Catalina Lehner – Senior Planner
600 Second Ave NW
Albuquerque, NM 87102

On Behalf of: Core Capital Funding, LLC c/o Elmer Medina (applicant)
By: J Manuel Barrera, P.E. (Agent)
RAVENS WING CONSULTING PROJECT NO.: 12-13-18

# Zone Change Request, MRGCD MAP 31 TR 63A@A1B EXC POR to R/W GRIEGOS RD NW CONT 0.234 AC consisting of+/- 0.234 acres from MX-L to MX-T

Manny Barrera, PE, agent for Core Capital Funding, LLC c/o Elmer Medina (the applicant) is requesting a Zone Map Amendment (ZMA) for the aforementioned property located in Northwest Albuquerque on Griegos Rd just East of Rio Grande Blvd. The property is addressed 1711 Griegos Rd NW, 87107. Please allow this letter to serve as the justification and response to IDO Part 14-16-6-7(F)(3). We respectfully request that the Environmental Planning Commission approve the requested ZMA from MX-L to MX-T. This letter is intended to clearly demonstrate how the requested change is in full compliance with the intent and guidance of the IDO, in addition it will demonstrate how this change will afford the successful activation of a currently dormant and arguably problematic property located at 1711 Griegos Rd NW.

This request pertains to one (1) parcel located on Griegos Rd in a transitional area. The Subject property has been vacant for more than 24 consecutive months. The requested zone change will revitalize this parcel creating beneficial activity. The requested Zone Change is considered a down zone. The map below depicts subject property in context to the existing Zoning in the immediate area.



Figure 1 Property Details

Recent History and Background – 1711 Griegos Rd. NW

The property has been vacant for at least 8 years.

Because the property has been unused for an extensive amount of time there have been numerous issues which have been harmful and unfavorable to the integrity of the neighborhood:

- The previous owner had started remodeling the structures and while doing so had their newly installed windows stolen.
- The chain link fence on the front of the property was stolen.
- The interior walls of the structure have been tagged with graffiti.
- There were homeless people using the structure for shelter.
- The backyard has been used to supplement the city landfill.

The City of Albuquerque has determined the property to be substandard and posted a sign on the front door. In its current state it is substandard due to not having functional plumbing, mechanical, or electrical facilities in the interior of the structure. Previously I would say it was a nuance property due to it being accessible to trespassers and/or criminals, but the property has recently been secured by the construction of a CMU wall and access gates.

The revitalization of this property with this requested approval would allow the structure to be brought up to Code Enforcement requirements and remove it from the public nuisance category and enhancing the neighborhood in a manner consistent with the area.



Figure 2 – Aerial Photograph – Provided by Google Earth

### **Proposed Zoning**

The proposed ZMA is to modify the zoning to reflect the previous usage that is currently in non-conformance with the existing IDO zoning designation. Currently the property is MX-L. Which has a designated purpose as follows: (Per the Current IDO)

MX-L - The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors.

The proposed ZMA to MX-T- is a lower intense usage and is described by the following purpose according to the current IDO:

The purpose of the MX-T zone district is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses.

This justification letter shall demonstrate specific compliance with the IDO for the requested ZMA and describe how this ZMA is appropriate in this case, beneficial to the area and fully compliant with the requirements associated with a ZMA of this nature.

#### **IDO** Criteria

We respectfully request the Zone Map Amendment to MX-T based on the following review as listed in IDO Part 14-16-6-7(F)(3). The following provides direct answers to the specified criteria complete with analysis of justifications describing how the planning goals are achieved as well as achieving the goals listed. During the analysis there was no instance that presented a conflict with the relative planning documents, guidelines and requirements.

CRITERIA A [14-16-6-7(F)(3)(a)] The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The proposed zone changes are consistent with the health, safety, and welfare of the City of Albuquerque and not in conflict with the applicable Goals and Policies in the ABC Comp Plan, as amended, the MRCOG 2040 Long Range Roadway System map, nor the City of Albuquerque's IDO as clearly demonstrated in the following Analysis:

Albuquerque and Bernalillo County Comprehensive Plan adopted March 2017.

Immediately below is a list of Goals that the proposed ZMA supports, following the goals are a policies and discussion that detail how the proposed ZMA fulfills the stated objectives.

### GOAL 4.1 Character - Enhance, protect and preserve distinct communities.

- <u>POLICY 4.1.3 Placemaking</u>: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.
  - Policy Action 4.1.3.3 Support neighborhood cleanup initiatives and ensure that weed, litter, and building safety codes are enforced to maintain property appearance, occupant safety, and property values.

The propose ZMA of downzoning to MX-T will protect and enhance special places in the built environment by specifically affording for rehabbing the structure which in turn will enhance the property appearance (general welfare), bring the property into compliance with current building safety codes (health and safety), and thus enhance the property values of surrounding properties (general welfare).

Additionally, it will support neighborhood cleanup initiatives by improving the property and providing an opportunity for the property to be reactivated. It has been documented that since the property was vacant approximately 8 years ago there have been 11 calls to APD on this specific property. The revitalized activity will directly achieve maintenance of the property, appearance, safety and lastly the property value.

• <u>POLICY 4.1.4 Neighborhoods</u>: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

This ZMA will enhance, protect and preserve neighborhoods by the allowance of a resident to occupy the space. The ZMA allows more residential uses and removes a handful of slightly more intensive commercial uses. The more compatible ZMA to MX-T will enable the property to be rehabilitated, reactivated and be brought up to the current building standards. Furthermore, improvements will be performed on the property that is aligned with protecting the neighborhood and enhancing its attractiveness.

This area is an older neighborhood that is a treasure to the Historic North Valley, reducing the opportunity for some other more intensive commercial uses will specifically protect and preserve the character of this neighborhood.

As demonstrated in the two supporting policies above the Character of this unique area is preserved by the proposed ZMA because it is a compatible designation that fits completely with the existing character of this area specifically because the downzoning would result in removing some commercial activities that could be considered contrary to the character of the immediate area.

New Uses Added to MX-T Permissive Uses No Longer Allowed in MX-T Kennel Car Wash Bed and Breakfast Light Fueling Light Vehicle **Dwelling Cluster** Development Station Repair • Dwelling Unit Single Light Vehicle Commercial Family Detached Sales and Rental Services Dwelling, Cottage Mortuary Self Storage Development Dwelling, Two-Family Grocery Store Pawn Shop Detached Outdoor Storage Drive-Through of Drive-up Facility Outdoor Animal Dwelling, Townhouse Run Dwelling, Live-Dwelling, Multi-Work Family

Table 1 – Permissive Use Change Summary Table

#### **Chapter 5 Context and Analysis**

<u>5.1.2.5 City of Albuquerque Development Areas</u> Neighborhoods designated as Areas of Consistency will be protected by policies to limit densities, new uses, and negative impacts from nearby development. While these areas may see some infill development and new uses, new development or redevelopment will need to be compatible in scale and character with the surrounding area. (page 5-23 ABC Comp Plan, as amended)

The proposed ZMA will protect, limit densities, new uses and negative impacts specifically by the permissible uses will be reduced by the proposed down zoning from MX-l to MX-T. Furthermore, use conflicts, such as those between industrial and residential uses, would be minimized by downgrading the existing zoning from MX-L to MXT.

# <u>GOAL 5.2 Complete Communities –</u> Foster communities where residents can live, work, learn, shop and play together.

This goal is achieved by this ZMA in that it will revitalize this property and allow residents to occupy the property. Reactivating it the near term, enhancing safety as indicated below.

- <u>POLICY 5.2.1 Land Uses</u>: Create healthy, sustainable, and distinct communities
  with a mix of uses that are conveniently accessible from surrounding neighborhoods.
  - Subsection c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns. [ABC].

The proposed ZMA to MX-T will align the use of the property with the established character of the surrounding properties by allowing the property to be utilized as a single-family residence. Rehabilitation of the existing structure into a single-family residential dwelling is consistent with the surrounding properties as there is a mixture of single-family and multi-family residential dwelling units. The existing zoning, MX-L, does not allow for single-family residential use. The neighborhood consists of only single-family and multi-family dwellings.

More importantly this approval would facilitate and encourage the redevelopment of a property that has been vacant and unoccupied for a period of at least 96 consecutive months.

Consequently, approval of the requested ZMA would ensure and expand land use of this property that is identical to the R-A zoning adjacent to the East and North ensuring redevelopment in a manner that is consistent with the area.

With the completely appropriate MX-T zone designation, this ZMA will contribute to the ABC Comp Plan goal of promoting healthy, sustainable neighborhoods simply because it will allow development on the subject property as a residential property that is consistent with the adjacent residential properties to the east and north.

<u>GOAL 5.3 Efficient Development Patterns</u> Promote development patterns that maximize the utility of the existing infrastructure and public facilities and the efficient use of land to support the public good.

The approval of this ZMA will promote a development pattern that utilizes the existing infrastructure. Specifically, the usage will not require additional infrastructure to be constructed as the existing infrastructure is adequate to support the proposed ZMA.

<u>POLICY 5.3.1 – Infill Development:</u> Support Additional growth in areas with existing infrastructure and public facilities

The proposed ZMA supports additional growth in an area with existing infrastructure and public facilities. The revitalization of this property that is anticipated with the ZMA will result in an identical impact as an infill project, given the vacancy history of this property.

While it is accurate to state that there are options to revitalize the property without the proposed ZMA, it is not possible to do so in a manner that restores the property back to its most recent use. It is my understanding that the most recent usage of this property was functioning as a Single-Family Residence. Statements made involving rehabilitation and/or revitalization are made with this concept in mind.

<u>GOAL 5.6 City Development</u> - Encourage and direct Growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforce the character and intensity of the surrounding area.

The approval of this ZMA is located in an area of consistency, the ZMA will reinforce the character and intensity of the surrounding area. The property is currently in a spot zone that is located in the middle of a residential area. The Proposed ZMA will add residential components and opportunities to the property, effectively maintaining the character of the surrounding area. The proposed ZMA will remove Permissive uses of several more intense commercial uses and specifically add the following Permissive Uses. All other permissive Uses listed in the MX-T zoning designation are currently in the existing MX-L Zone designation with the exception of the permissive uses Listed in Table 1 above (see Table 1).

As discussed in Goal 4.2 above the commercial uses that would be removed from the permissive uses with this Zone change could be considered inconsistent with the immediate area and outside of the historic character along Griegos. The additional permissive uses associated with the ZMA will help maintain the desired area of consistency as stated by this Goal.

 <u>POLICY 5.6.3 Areas of Consistency</u>: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Open Space.

The subject property is located outside of a designated Activity Center and is not located in a designated Corridor, accordingly this goal is met and furthered by providing an appropriate zone that acts as a transition between single-family housing

and adjacent Commercial Zoning. This ZMA request furthers Comp Plan Goal 5.6 listed above.

Additionally, the subject property is wholly located with an Area of Consistency as depicted in the ABC Comp Plan. With this designation in mind, the subject property furthers the goals of the ABC Comp Plan and strengthens the surrounding community by redeveloping a property in a manner that is consistent with the area. The proposed ZMA to MX-T will allow the property to be utilized as a single-family dwelling, reactivating the property in a manner that is consistent with the area and compliant with the intent of the governing land use guidance. Let it be noted that the other allowable uses added with the proposed ZMA would be similarly compatible with the area of consistency and adjacent properties.

The MX-T zone provides single family residential occupancy as well as, neighborhood scale non-destination commercial and retail development. This ZMA will help facilitate and improve the connectivity of the surrounding community specifically to the adjacent Single Family Residential (R-A). The MX-T designation would be ideally placed as it will function as a transition area between adjacent Zoning Designations.

# <u>GOAL 6.4 Public Health</u> - Promote individual and community health through active transportation, noise mitigation and air quality protections.

 <u>POLICY 6.4.2 Air Quality</u>: Reduce the adverse effects of automobile travel on air quality through coordinated land use and transportation that promote the efficient placement of housing, employment, and services and improve the viability of multimodal transportation options.

The requested ZMA is a downzoning for this parcel, this will inherently reduce the potential traffic generation that could be associated with some of the uses described below that would no longer be allowed. Consequently, reducing the vehicle emissions associated with this parcel.

Another advantageous benefit to this ZMA are car trip generation will be diminished, thereby increasing air quality

#### **Chapter 7 From Context and Analysis**

7.1.2.6 – SAFETY. (Page 7-12, ABC Comp Plan, as adopted)

Downzoning to MX-T will ensure they structure is occupied and will naturally align with the Crime prevention Through Environmental Design (CPTED) principle — Management and Maintenance, by allowing for the property to be maintained and create activity that demonstrated that there is a watchful eye that is inherent with an occupied property, contrasting the currently abandon status of the property which is an attractive nuisance and potential neighborhood hazard. The current hazards are demonstrated by the 11 call to the specific property over the period of time this property has been vacant, abandon or occupied by trespassers.

<u>GOAL 9.1 Supply</u> - Ensure a sufficient supply and range of high quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

 <u>POLICY 9.1.1 Housing Options</u>: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

This policy statement can be met directly by reactivating this site with a single family residential property as allowed by the ZMA to a MX-T.

### GOAL 9.4 Homelessness - Make homelessness rare, short term, and non-recurring.

- <u>POLICY 9.4.4 Best Practices</u>: Implement an appropriate and effective model to address chronic homelessness.
  - Action 9.4.1.1 Explore best practices in other communities, including the Housing First and the Harm Reduction Models.

In order to make Homelessness rare, short terms and non-recurring, one of the best practices practiced throughout the country relative to homelessness is removing opportunities for vagrancy and homelessness created by vacant and abandon/vacant properties. The Goal of addressing Homelessness is supported with this ZMA because it will revitalize a property that has been vacant for 8 years and is an attractive nuisance that lends itself to attract vagrants and homelessness. This is evident by the 11 calls to Albuquerque Police Department over the past 8 years. While the impact on the Citywide homelessness will be relatively small it will have a significant impact to the neighborhood in the immediate area as most revitalization projects do.

# <u>GOAL 13.5 Community Health</u> - Protect and maintain safe and healthy environments where people can thrive.

• <u>POLICY 13.5.1 – Land Use Impacts</u>: Prevent environmental hazards related to land uses. b) Protect public health, safety, and welfare by discouraging incompatible land uses in close proximity, such as housing and industrial activity.

Downzoning to MX-T will prevent environmental hazards related to land uses specifically by removing the following more intensive commercial uses as compared to the current zoning. Several of the more intensive commercial uses include vehicle repairs and a car wash, both of which could produce local hazards and toxins if not properly managed. (see Table 1)

The land use itemized in table 1 includes a broad variety of currently allowable uses that would be historically and contextually uncharacteristic of the neighborhood. The requested change to MXT will restrict future land use in a manner that will be more compatible with the majority of the current zoning and historic land use.

In summary of this policy analysis the statements above clearly demonstrate how the requested downzoning from MX-L to MX-T supports the goals and policies to justify the requested change.

The Goals and Policies listed above discuss how the proposed ZMA is consistent and fully supports these policies. Goals and policies that are not applicable to this analysis have been omitted. There was no Goal or Policy identified that could present a foreseeable conflict with the requested ZMA, this is due in large part to the fact that it is a downzoning to a less intense Zone designation.

CRITERIA B: [14-16-6-7(F)(3)(b)] If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

- There was typographical or clerical error when the existing zone district was applied to the property
- 2. There has been a significant change in neighborhood or community conditions affecting the site.
- A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Criteria 3 is accomplished and met by the following:

Downzoning to a zone district of MX-T would be more aligned with Land Use directive 5.1.2.2 DIRECTING GROWTH where any development that happens in an Area of Consistency should be designed carefully to reinforce the character, scale, and intensity of surrounding neighborhoods. This will be achieved by this proposed ZMA because it would eliminate the following allowable uses, which are significantly different from the character of the surrounding neighborhood:

The new zone is more advantageous because it will reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. More specifically the permissive residential uses use of this property is adjacent to identical uses on the East and North of the subject property.

Additionally, the responses that resulted from the required neighborhood meetings and notices were positive and did not yield any notable objections.

CRITERIA C: [14-6-6-7(F)(3)(c)] If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

- 1. There was typographical or clerical error when the existing zone district was applied to the property
- 2. There has been significant change in the neighborhood or community conditions affecting the site.
- 3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

This criterion is non-applicable because the subject property is located in an Area of Consistency as shown in figure 5.6 of the ABC Comp Plan, as amended.

CRITERIA D: [14-6-6-7-(F)(3)(d)] The zone change does not include permissive uses that would be harmful to the adjacent property, the neighborhood, or the community, unless Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

The proposed ZMA is a downzoning from the existing zone of MIXED-USE - LOW INTENSITY ZONE DISTRICT (MX-L) to MIXED-USE - TRANSITION ZONE DISTRICT (MX-T); from a zone that has more permissive uses to a zone that has less permissive uses. The downzoning would eliminate more intense commercial uses.

The Permissive uses associated with this Proposed ZMA included the Following:

- Bed and Breakfast
- Dwelling, Single Family Detached
- Dwelling Cluster Development
- Dwelling, Cottage Development
- Dwelling, two-family detached

The addition of these permissive uses will not be harmful to the adjacent property, neighborhood or community as it will be identically compatibly with the adjacent properties.

The zone change is from MX-L to MX-T which will align the proposed use with the adjacent properties and the neighborhood as a whole.

The existing structure was previously and historically utilized as a single-family dwelling; the proposed ZMA will ensure the property use as a single-family dwelling unit is compliant with the revised MX-T zoning requirements and regulations.

CRITERIA E [14-6-6-7(F)(3)(e)] The City's existing infrastructure and public improvements, including g but not limited to its street, trail, and sidewalk system meet 1 of the following requirements:

- 1. Have adequate capacity to serve the development made possible by the change of zone.
- 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the calendar year.
- 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
- 4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City-approved Development Agreement between the City and the applicant.

The City's existing infrastructure has existing and adequate capacity to serve the development of a single-family dwelling which would be made possible by the requested ZMA and downzoning to MX-T. The downzoning would align closely with policies and intent to support redevelopment of unoccupied and inactive properties. Consequently, Supporting additional growth in areas with existing infrastructure and public facilities. [ABC]. There are existing roadways, sidewalks, and public facilities that would be utilized by the property.

The existing structure was previously utilized as a single-family dwelling, as such it has already been accounted for with regard to the City's existing infrastructure. It is located on an established street and does have an existing sidewalk system. The structure will be rehabilitated to meet all current building standards.

# CRITERIA F [14-6-6-7(F)(3)(f)] The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

The justification for the requested zone change is not based on the property's location on a major street. In accordance with the current MRCOG street designations Griegos is classified as a major street in this location.

The designation of Griegos as a major street has no bearing whatsoever on this request because the downzoning relies less on passing traffic for the reduced commercial intensity. The proposed ZMA is to accommodate a down zoning from MX-L to MX-T a less intense usage from a land use perspective. The justification for the zone change is to allow for utilizing the structure on the property as a single-family dwelling. Per IDO Table 4-2-1, a single-family dwelling is not an allowable use for the existing zone of MX-L. Downzoning the property to MX-T would allow for use of the property as a single-family dwelling. The zone change will be eliminating many more intense commercial uses.

The proposed ZMA is downzoning from MX-L to MX-T the loss of the potential usage for the allowable uses demonstrate that there is no added benefit to a higher volume of traffic associated with a major street.

# CRITERIA G [14-6-6-7(F)(3)(g)] The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

As to any kind of development, whether commercial or residential, one component among many, are the economic considerations. The justification for the requested zone change is not completely or predominately based on the cost of land or economic considerations. Specific to the cost of the Land this ZMA will result in a net decrease in value to the land as it will reduce the permissible commercial uses substantially. (see Table 1).

Specific to economic considerations, there is an economic component similar to any development project or action however this is not the primary reason. The primary reason for this ZMA is timing. Based on the Zoning analysis in Criteria A it has been demonstrated that the requested ZMA achieves the Goals and Policies. Furthermore, it has been noted that there is a likely possibility that this exact ZMA would be achieved utilizing a City Sponsored Zone Change to accomplish the same ZMA. This request is simply expediting the ZMA at a cost vs. waiting for the potentially Free City Sponsored Zone change next Spring.

The ZMA will allow the property to be revitalized and restored in a manner that is consistent with what is understood to be its most recent usage, a single family detached dwelling unit. The potential economic loss to this property by the downzoning associated with this ZMA will provide an economic benefit to the area as it will revitalize an abandon, substandard structure, revitalizing the property in a manner compatible with the area.

CRITERIA H [14-16-6-7(F)(3)(h)] The zone change does not apply a zone district different from the surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

- 1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
- 2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
- 3. The nature of structures already on the premises make it unsuitable for the uses allowed in any adjacent zone district.

The ZMA requested will clearly facilitate implementation of the ABC Comp Plan, as amended, this is discussed in detail in Criteria A where the specific Goals, Policies and actions are discussed and how this ZMA fully supports the implementation of the ABC Comp Plan, as amended and the applicable goals, policies.

The ZMA does create a spot zone however this discussion will demonstrate that it will function in a compatible and compliant manner with the adjacent zone designations. While the Zone designation will be different with the adjacent zones the Permissive land uses will be completely compatible.

The proposed Zone is MX-T Mixed Use Transitional, with Transitional being the key word as defined below:

From the IDO -

### 2-4(A) MIXED-USE - TRANSITION ZONE DISTRICT (MX-T)

2-4(A)(1) Purpose The purpose of the MX-T zone district is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses. Allowable uses are shown in Table 4-2-1.

Criteria 1 - As defined above the application of the MX-T designation in this specific case is appropriate because it will serve as a transition between the residential neighborhoods and more intense commercial areas. The existing Zoning to the east of the property is residential and the Zoning to the west will remain MX-L which is a more intense commercial use. (see Photos Appendix A and Exhibit D)

Criteria 3 – The existing structure on the premises makes it unsuitable for an RA designation. The structure was formerly utilized as a residence. The existing structure is located at a setback that is not allowed in the adjacent R-A zoning.

Thank you in advance for your time and consideration to this matter we look forward to working with you on this project toward a successfully outcome.

Respectfully,

Manny Barrera, PE Agent

Ravens Wing Consulting, LLC

# Exhibit A – Zone Atlas Map F-13-Z

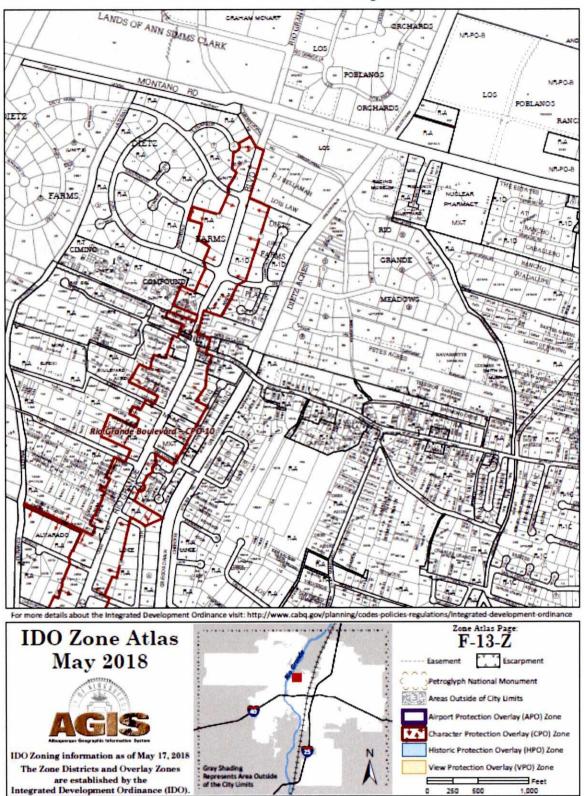


Exhibit B - Current IDO Zoning

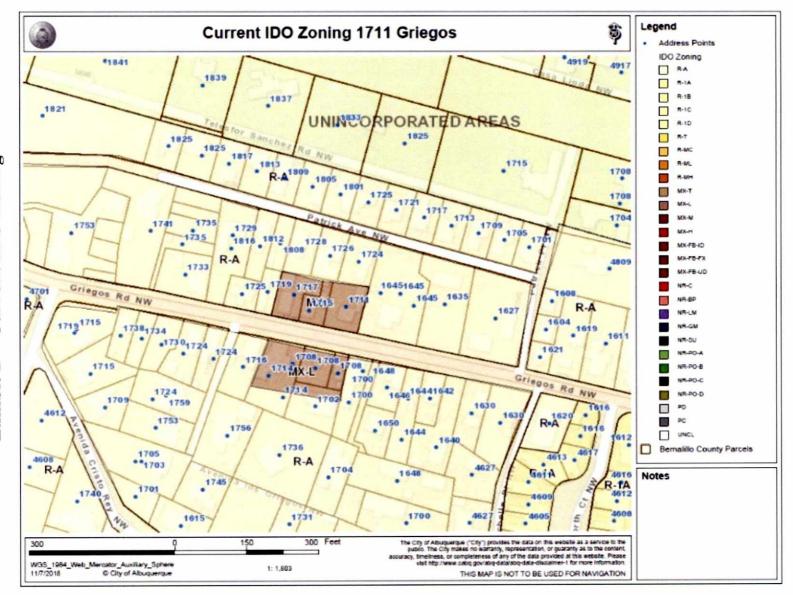
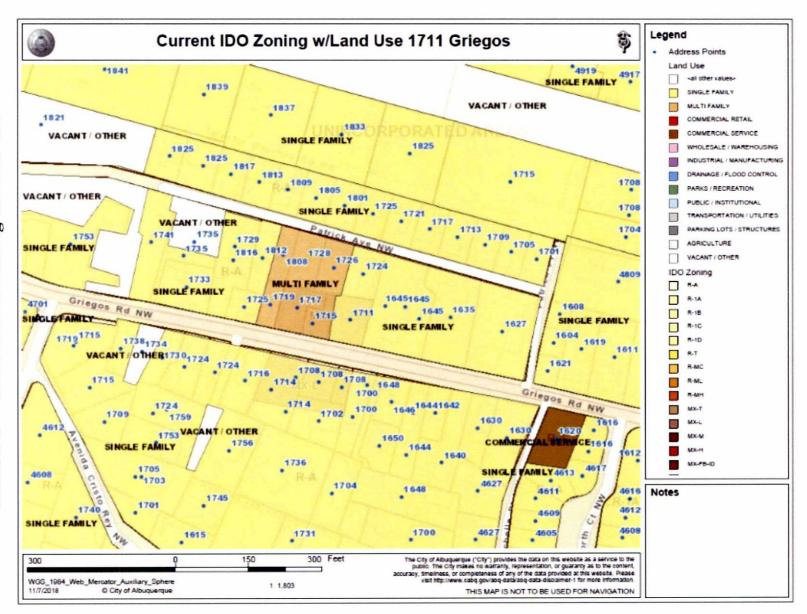


Exhibit C - Current IDO Zoning w/Land Use



## Exhibit D - Case History Proximate to Site



## Exhibit E-1 – IDO Table 4-2 Allowable Uses

Part 14-16-4: Use Regulations4-1(G): Separation of Uses

4-2: Allowable Uses 3-6(E)(7): Cross-references

4-2 ALLOWABLE USE	S																		
Table 4-2-1: Allowable Uses																			
P = Permissive Primary C = Con		mal	Prin	nan	A	= P	erm	issi	ne A	cces	sson	v (	A =	Cor	nditi	ona	I Ac	Cess	orv
CV = Conditional if Structure Vac																			1
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																			國了推
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RESIDENTIAL USES	DL ,	100					-111	L	UI.	LU	1511	NIC.	13			BEST .			
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Dwelling, single-family detached	P	P	P	P	P		P				П								4-3(B)(1)
Dwelling, mobile home	Ė		P			$\vdash$		$\vdash$											1-1(-)
Dwelling, cluster development	Р	P	Ť	P	P		Р	$\vdash$	Н		Т		$\vdash$						4-3(B)(2)
Dwelling, cottage development	P	P	Р	P	P	$\vdash$	P				П			Т					4-3(B)(3)
Dwelling, two-family detached	Ė		Ť	_							Г								. //
(duplex)	1	P		P	P		P												4-3(B)(4)
Dwelling, townhouse				P	P	P	Р	P	P	P									4-3(B)(5)
Dwelling, live-work				C	C	Р	P	P	P	P	CA	CA		П					4-3(B)(6)
Dwelling, multi-family					P	P	Р	Р	P	P									4-3(B)(7)
Group Living		23 3	100	i k	100					E.						83/			
Assisted living facility or nursing	Г			_	P	P	Р	P	•	P	П								
home				C	-	۲	۲	P	P	r									
Community residential facility,	Р	P		Р	P	Р	ρ	Р	4	P									4-3(B)(8)
small	r	F.	$oxed{oxed}$	· F	r	,E	ı.r.	1		,	L		L						+3(0)(0)
Community residential facility,					9	P	Р	P	P	P									4-3(B)(8)
medium	┖	_		_	'		Ľ		•		$\perp$			$\vdash$		$\vdash$		_	+3(0)(0)
Community residential facility,	ı					Р	Р	P	Р	Р									4-3(B)(8)
large	⊢		_	_	_	_					L	_	_	<u> </u>			_		
Group home, small	⊢		⊢	_	C	P	Р	P	P	_	_	_	_	_				_	4-3(B)(9)
Group home, medium	⊢	_	⊢		С	C	С	Р	P	P							_		4-3(B)(9)
Group home, large	⊢	_	$\vdash$		L	С	_	L	C	C	_			L			_	_	4-3(B)(9)
Sorority or fraternity			-			P	С	P	P	Р						777			
CIVIC AND INSTITUTIONAL USES	3.55			-			The same					-	10000		State of	19.9		2	THE REAL PROPERTY.
Adult or child day care facility	⊢	$\vdash$	C	C	C	P	P	P	P	P	P	P	Α	Α	$\vdash$		C- 1	-	4 3/01/01
BioPark	⊢	-	⊢		$\vdash$	-	H	-			$\vdash$			-	P	٢	(in l	)	4-3(C)(8)
Cemetery	С	P	⊢	P	P	P	Р	P	P	P	С	С	С	С	۲	P	_	С	4.3/01/41
Community center or library	C	۲	⊢	۲	۲	۲	۲	۲	۲	۲	L	C	L	C	_	۲	-	L	4-3(C)(1)
Correctional facility	-		-	-	$\vdash$	-	$\vdash$	$\vdash$		C	C	С	С	^	P		_		4 3/01/01
Daytime gathering facility	^	С	-	С	P	-	P	P	P	P	P	P	_	C	-	P	_		4-3(C)(2)
Elementary or middle school	C	C	-	C	-	P	-	-	-	-	۲	-	CV	$\vdash$	P	-		С	4-3(C)(3)
Fire or police station	С	С	-	С	С	Р	Р	P	P	P	Ρ	P	С	$\vdash$	-	P		$\vdash$	4.3(0)(4)
High school	C	C	-	C	-	-	٢	-	P	P	P	P	-			۲	_		4-3(C)(4)
Hospital	⊢	-	$\vdash$	cv	CV	С	Ρ	P	P	P	P	P	P	P		P	A		4-3(C)(5)
Museum or art gallery	╀	$\vdash$	-	CV	CV	C	٢	-	-	C	C	C	C	C	-	-	A		4-3(C)(6)
Overnight shelter	Р	P	-	P	P	P	P	P	P	P	P	P	C	C	A	P	P	P	4-3(C)(7)
Parks and open space	1	۲		۲	۲	۲	۲	۲	٢	٢	۲	٢	C	C	A	۲	٢	٢	4-3(C)(8)

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### Exhibit E-2 – IDO Table 4-2 Allowable Uses

Part 14-16-4: Use Regulations

4-2: Allowable Uses

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Table 4-2-1: Allowable Use																			
P = Permissive Primary C = Con																			sory
CV = Conditional if Structure Vac	ant	for!	5 ye	ars (	or m	ore	T	= Te	mp	ora	Y	Blar	nk C	ell =	No	t All	OWNE	d	
Zone Desire >>		Residential Mand use Non-Residential																	
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		Pag		No.	To all				5.9	5 2		2.3		罐			0	100	置话带
	膿		6	3					3	2	18	2			a				
Land Dies	15	13		1	ļ.					3		h							3.
Religious institution	P	P		Ρ	P	P	P	P	P	P	P	P	CV	cv					4-3(C)(9)
Sports field							CV	C	P	P	P	P	P	C		P		C	
University or college	Г					CV	cv	C	P	P	P	P	CV	CV					
Vocational school	Г					CV	P	P	P	P	P	P	P	P					
COMMERCIAL USES	1	West.	PH.				4 58	RIP				1616	1991	WEY.	THE STREET		100		
Agriculture and Animal-related			POT			W. S	Let's		100	N.	7110	-13,		84					NAME OF THE OWNER, OWNE
Community garden	P	P	P	P	P	P	P	Р	P	P	P	P	C	C		Α	Α	Α	4-3(D)(1)
Equestrian facility	P										Г						Р	С	4-3(D)(2)
General agriculture	P											С	Р	Р			P	Α	4-3(D)(3)
Kennel	С							С	С		P	P	P	Р					4-3(D)(4)
Nursery	P						Г		Α		P	P	P	P		Α	Α		
Veterinary hospital	C						C	P	P	P	P	P	P	P					4-3(D)(5)
Other pet services	C						С	P	P	P	P	P							
Food, Beverage, and Indoor Ente	rtai	nme	nt	78.	200	MIZ			10	1111	188		AIR	V	1	175	Thy	M.	
Adult entertainment							Г					Р	Р	Р					4-3(D)(6)
Auditorium or theater	Т					Α	Α	Α	Р	Р	Р	P	Р	Р			Т		4-3(D)(7)
Bar	1						C	C	Р	P	P	P	P	P	$\vdash$				4-3(D)(8)
Catering service	t	Н				$\vdash$	Ť		P	P	P	P	P	Р				П	1 - 11 - 1
Health club or gym	t	Н	Α		Α	Α	Р	Р	P	P	P	P	P	Α				$\vdash$	4-3(D)(9)
Nightclub	1		-		-	,			Р	Р	P	P	P	-					4-3(D)(8)
Residential community amenity	Р	P	Р	P	P	Р	Р	Р	Р	Р				$\vdash$	$\vdash$			С	4-3(D)(10)
Restaurant	Ť	<u> </u>	-		_	Ė	С	P	P	P	Р	Р	Р	Р				_	4-3(D)(8)
Tap room or tasting room	H				$\vdash$		C	C	P	P	P	P	P	P					4-3(D)(8)
Other indoor entertainment	t	$\vdash$					C	P	P	P	P	P	P	P		Р		С	4-3(D)(11)
Lodging	lo			01/2	100	188	-			0.0	1000	1208	AUG:		916	100	7=1	-	1 2(2)(22)
Bed and breakfast	A	CA	Г	A	Α	Р	P												4-3(D)(12)
Campground or recreational	*	- ·			-	Ė	Ė	$\vdash$	$\vdash$		Н								
vehicle park	ı										ı				Р		Α	C	4-3(D)(13)
Hotel or motel	t	$\vdash$			$\vdash$		Ρ	Р	Р	ρ	Р	Р	Р	Р			$\overline{}$		4-3(D)(14)
Motor Vehicle-related					-			V. T	209	100	130		-	1	383	19.5	517	Maria	12/2/(21)
Car wash	Г						П	Р	P	P	Р	P	Р	Р					4-3(D)(15)
Heavy vehicle and equipment				$\vdash$			$\vdash$		_	_		_							
sales, rental, fueling, and repair	l										Ρ	C	Р	P					4-3(D)(16)
Light vehicle fueling station	Н		_			$\vdash$	Н	C	P	P	P	Р	Р	P					4-3(D)(17)
Light vehicle repair	Н			$\vdash$		$\vdash$	Н	P	P	P	P	P	P	P				$\vdash$	4-3(D)(18)
Light vehicle sales and rental	┢					$\vdash$	Н	C	P	P	P	P	P	P				$\vdash$	4-3(D)(18)
Outdoor vehicle storage	$\vdash$	$\vdash$					$\vdash$	-			C	C	P	P		$\vdash$	A		4-3(D)(20)
Paid parking lot	$\vdash$		Α	$\vdash$	Α	Α	С	Р	Ρ	Α	P	P	P	P	Α	Α	A	$\vdash$	4-3(D)(21)
Parking structure	$\vdash$		A	$\vdash$	A	A	CA		P	P	P	P	P	P	A	-	^	$\vdash$	
Offices and Services	_		_	1000		^	CA	Г	r	r		Г	r	Г	^	-		_	4-3(D)(21)
Bank	Г						Р	P	P	P	Р	P	P	cv					4.3/0//201
	$\vdash$		$\vdash$		$\vdash$	$\vdash$	۲	-	$\overline{}$		_	P	P	P	_	$\vdash$		H	4-3(D)(22)
Blood services facility		Ь.			_	_		_	C	C	C	۲	1	r		$\square$		щ	

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3-6(E)(7): Cross-references

### Exhibit E-3 – IDO Table 4-2 Allowable Uses

Part 14-16-4: Use Regulations4-1(G): Separation of Uses

4-2: Allowable Uses

															- 2	-1-	ra- I		a reference
Table 4-2-1: Allowable Uses														•					
P = Permissive Primary C = Con CV = Conditional if Structure Vac																			sory
Zone District >>		Belgis						11931											
	1000						X 0						TANK				3		1
														12					图 3.1
Land Uses	1						100	3		H		7							38
Club or event facility	Г						С	P	Ρ	Р	P	Р	Р	cv		Р	Ρ	C	4-3(D)(23
Commercial services	Г							P	P	Р	P	P	Р	P					
Construction contractor facility	Г	Г		Г	Г											Г			W242422
and yard										C	С	P	P	P					4-3(D)(24
Crematorium	Т	Т					Г	П			Т				P	$\vdash$			
Medical or dental clinic	Т	Т		Т	Т		P	P	Р	P	Р	Р	Р	P	_	Н			4-3(D)(25
Mortuary	Н	Н		$\vdash$			H	C	Р	P	Р	Р	С		Α	$\vdash$		$\vdash$	-1-/1
Office	Н	Т			т		Р	P	P	P	P	P	P	Р	-	$\vdash$	Т	$\vdash$	
Personal and business services,	t	$\vdash$	1			$\vdash$											$\vdash$		The Roll
small							P	P	P	P	P	Р	P	P					4-3(D)(26
Personal and business services.	Т	Т			$\vdash$											$\vdash$	$\vdash$	$\vdash$	
large									P	P	Ρ	P	P	P					4-3(D)(26
Research or testing facility	Н	$\vdash$		$\vdash$	$\vdash$		Р	Р	Р	Р	Р	Р	Р	Р		$\vdash$			4-3(D)(27
Self-storage		Т			$\vdash$		Ė	c	c	P	Р	P	P	P			A		4-3(D)(28
Outdoor Recreation and Entertai	nm	ent	EN E	ENY	-		)EV	011	600	-	398		100	105	100	N.	1910	1	1- /1
Amphitheater	Г								Г	С	С	С	С	C	A	Р	A	C	
Balloon Fiesta Park events and	H	$\vdash$	_		_			$\vdash$		_	Ť	-	-	-			**	-	
activities	П						ı				ı					P			4-3(D)(29)
Drive-in theater	H	$\vdash$	_		$\vdash$	_	$\vdash$		С	С	С	С	С	$\vdash$	-	$\vdash$	-	-	4-3(D)(30)
Fairgrounds	H				H		Н		_	_	Ĕ	-	-	-	P	H			+3(0)(30
Residential community amenity	Р	P	Р	Р	P	Р	Р	Р	Р	P	$\vdash$	$\vdash$	┝	-	F	⊢	$\vdash$	A	
Stadium or racetrack	<u>'</u>	<u>'</u>	_	-	•	_	H	•	-	•	Н		$\vdash$	Н	P	Р		^	
	CA	CA	CA	CA	CA	CA		Α	Α	A	P	Р	Р		-	P	_	P	4.2/0\/24
Other outdoor entertainment	CA	CA	CA	CA	CA	CA	Α	A	A	A	P	٢	P	Α	-	1	150	IP	4-3(D)(31)
Retail Sales	_	-			_				-			-	-	-		_		_	4 2/21/61
Adult retail	⊢	H	-		H	-	-	H	-	P	-	P	P	P	-			-	4-3(D)(6)
Bakery goods or confectionery							cv	P	P	P	Ρ	P	Р	P					
shop	⊢	$\vdash$	_		$\vdash$						H		_		_	_			
Building and home improvement	1								С	С	Ρ	Р	P	C					4-3(D)(32)
materials store	-	$\vdash$	_	_	-	_	_	_	_	•	_			-		_			
Farmers' market	Т	⊢	T	T	T	T	T	P	P	P	P	P	CV	CV		P	Α	CA	4-3(D)(33)
General retail, small	⊢	$\vdash$	Α	_		Α	Α	P	P	P	P	P	P	P		_	_	_	4-3(D)(34)
General retail, medium	┡	$\vdash$	_			_	_		Ρ	P	P	С	C			_		_	4-3(D)(34)
General retail, large	┡	_	_			_	Щ		C	C	P	P	_			_	L	_	4-3(D)(34)
Grocery store	┖	$\vdash$						P	P	P	P		P	P	L				4-3(D)(35)
Liquor retail	$\perp$	$\vdash$	_		$\perp$	_	C	Α	P	P	P	C	C	C					4-3(D)(36)
Pawn shop	L						L	C	P	P	P	P	P	P	L				4-3(D)(37)
Transportation								26			110				HE .	100		3111	
Airport															٩				4-3(D)(38)
Freight terminal or dispatch												С	Р	P					
center													E	F					
Helipad									CA	CA	Α	P	P	P	Α				4-3(D)(39)
Park-and-ride lot	Г					C	C	С	Р	C	C	Р	C	C	Α	Α		Г	4-3(D)(40)

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## Exhibit E-4 – IDO Table 4-2 Allowable Uses

Part 14-16-4: Use Regulations

4-2: Allowable Uses

Table 4-2-1: Allowable Uses																			
BDIE 4-2-1; Allowable Uses   P = Permissive Primary   C = Conc			n			- n			- A				· A -	Cor	diei		I Ac		mene
P = Permissive Primary	intio	nai or S	we	nary ars c	or m	ore	erm T	issin = Te	mp	orar	v	y ( Blan	k C	di =	Not	All	I AC	d d	ory
							W.												
Zone Clabrict >>													<b>M</b> pn	-			100		
		A STATE OF		TOTAL STATE	NA.	340	200	en en	1000	No.		17.00				100			<b>10 4 4</b> 1
		3.00											H						國工機
Lead (bes		1					9	4	4	NAME OF TAXABLE PARTY.		14	1						3.1
Railroad yard		- 8		8		4		A 10		8" 6		C	P	P	4	li.	27	7	4-3(D)(41)
Transit facility						С	С	С	P	Ρ	Р	P	Р	Р					-1-11-7
INDUSTRIAL USES	SHE	0	NO.	THE REAL PROPERTY.		No.		100	100	101		Pal III			100	771		7 1	
Manufacturing, Fabrication, and	Asse	emb	ly			100				ME.		E.T.		- 69	8-7				
Artisan manufacturing							С	Р	P	Ρ	P	Р	P	P					4-3(E)(1)
Light manufacturing										Α	P	Р	P	Р					4-3(E)(2)
Heavy manufacturing							Г							P					4-3(E)(3)
Natural resource extraction															P				4-3(E)(4)
Special manufacturing							Г							С					4-3(E)(5)
Telecommunications, Towers, an	d U	tiliti	es											9.3					
Geothermal energy generation	Α	Α	Α	Α	Α	Α	Α	Α	Α	Α	Α	P	P	P		Α	Α		4-3(E)(6)
Solar energy generation	Р	P	Р	P	P	Р	P	P	P	P	P	Р	P	٩	Α	Р	Р	P	4-3(E)(7)
Utility, electric	Р	P	P	P	P	Р	P	P	P	P	P	Р	P	٩	Α	Α	Α	Α	4-3(E)(8)
Utility, other major	Р	P	Р	Р	P	P	P	P	P	P	P	Р	P	P	Α	Α	Α	Α	
Wind energy generation							Α	Α	Α	Α	A	Α	Α	C	A	Α	Α		4-3(E)(9)
Wireless Telecommunications Fac	ility	0			_		Г												
Architecturally integrated	A	Α	Α	A	A	Α	Α	Α	Α	Α	Α	Α	Α	Α	Α	Α			
Co-location	Α	A	Α	A	Α	Α	A	Α	A	Α	Α	Α	A	A	Α	Α			4 3/51/401
Freestanding							P	P	P	P	P	P	P	Р	Α				4-3(E)(10)
Roof-mounted	ĺ		Α		Α	Α	Α	Α	Α	Α	Α	Α	A	Α	A				
Public utility co-location	Α	A	Α	Α	Α	Α	Α	Α	Α	Α	Α	Α	A	Α	Α	A			
Waste and Recycling		16							141	III S									
Recycling drop-off bin facility	Г			Г	Г	Α	Α	Α	Α	Α	Р	Р	Р	Ρ			Г		4-3(E)(11)
Solid waste convenience center				Г							Г				P				4-3(E)(12)
Salvage yard							Г					С	C	P					4-3(E)(13)
Waste and/or recycling transfer							Г		Г						,				
station															P				4-3(E)(14)
Wholesaling and Storage	W	y m	700		71		1700	(FIF			aT	45		Hg.		150		AND .	
Above-ground storage of fuels or		П					Г				Г		^	P					
feed													C	-					
Outdoor storage								CA	C	C	C	Α	P	٩					4-3(E)(15)
Warehousing									C	C	P	P	P	P					4-3(E)(16)
Wholesaling and distribution	Г						Г		С	С	P	Р	Р	P					4-3(E)(17)
center	L								-	-	_		_	r					
ACCESSORY AND TEMPORA	RY	US	ES																
ACCESSORY USES				-		100	4	h a	3 15		78	I SEE	100		W(E)	WE!	TO VICE		4-3(F)(1)
Agriculture sales stand	Α	Α	A	Α	Α	Α	Α	Α	Α	Α	Α	Α	CA	CA			Α		4-3(F)(2)
Animal keeping	Α	Α	Α	Α	Α	A	Α	A	Α	Α	Α	Α	Α	Α				CA	4-3(F)(3)
Automated Teller Machine	Ť			<u> </u>												_	_		211-7
(ATM)	1		Α		Α	Α	Α	Α	Α	Α	Α	Α	Α	Α		Т	Т		
Drive-through or drive-up facility	t		t				Г	CA	Α	CA	Α	A	A						4-3(F)(4)
Dwelling unit, accessory	t	A	T	Α	Α	Α	A	A	A		A	A	A	Α	Α		Α		4-3(F)(5)

Integrated Development Ordinance City of Albuquerque, New Mexico Revised and Updated Through May 2018

Page 133

APD Activity 1711 Griegos July 2009 - Present

Exhibit F -

## Albuquerque Police Department Research & Recording

CAD Entries for 1/1/2009 - 11/6/2018 at the location: 1711 Griegos

Beat #237

Street Address	Call No	Call Created Date Time	Call Priority	Final Call Type	Final Call Type Description	Case Number
1711 GRIEGOS RD NW						
	091940726	7/13/2009 1:50:03 PM	3	27-6	Theft/fraud/embe	090069741
	092820783	10/9/2009 2:42:33 PM	2	39	Disturbance	
	101130406	4/23/2010 10:21:07 AM	2	31	Susp Pers/Vehs	
	103530537	12/19/2010 12:03:47 PM	2	31	Susp Pers/Vehs	
	103640267	12/30/2010 9:18:33 AM	2	31	Susp Pers/Vehs	
	111761019	6/25/2011 5:29:59 PM	3	31	Susp Pers/Vehs	
	113551001	12/21/2011 6:31:19 PM	2	31	Susp Pers/Vehs	
	120950692	4/4/2012 2:02:30 PM	3	25	Contact	
	121150599	4/24/2012 12:44:24 PM	3	25	Contact	
	171401441	5/20/2017 10:14:16 PM	2	31	Susp Pers/Vehs	
	172790208	10/6/2017 7:09:50 AM	2	31	Susp Pers/Vehs	
	Address Total = 11					
Report Total	11	ă.				

Report Run Date:

11/7/2018 9:26:19 AM

Page 1 of 1

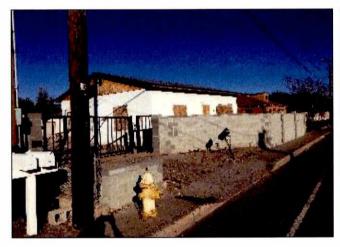
## Appendix A - Photos





Photo 1 - Front view 1711 Griegos

Photo 2 - Front Door with Substandard Notice





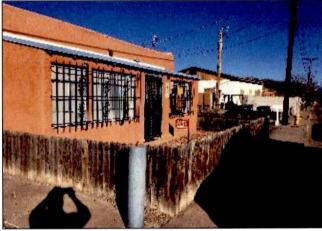


Photo 4 – Commercial Neighbor on West (MX-L)

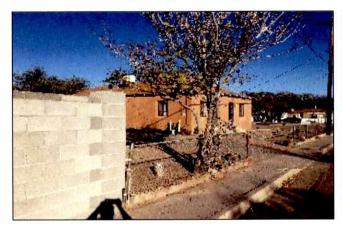
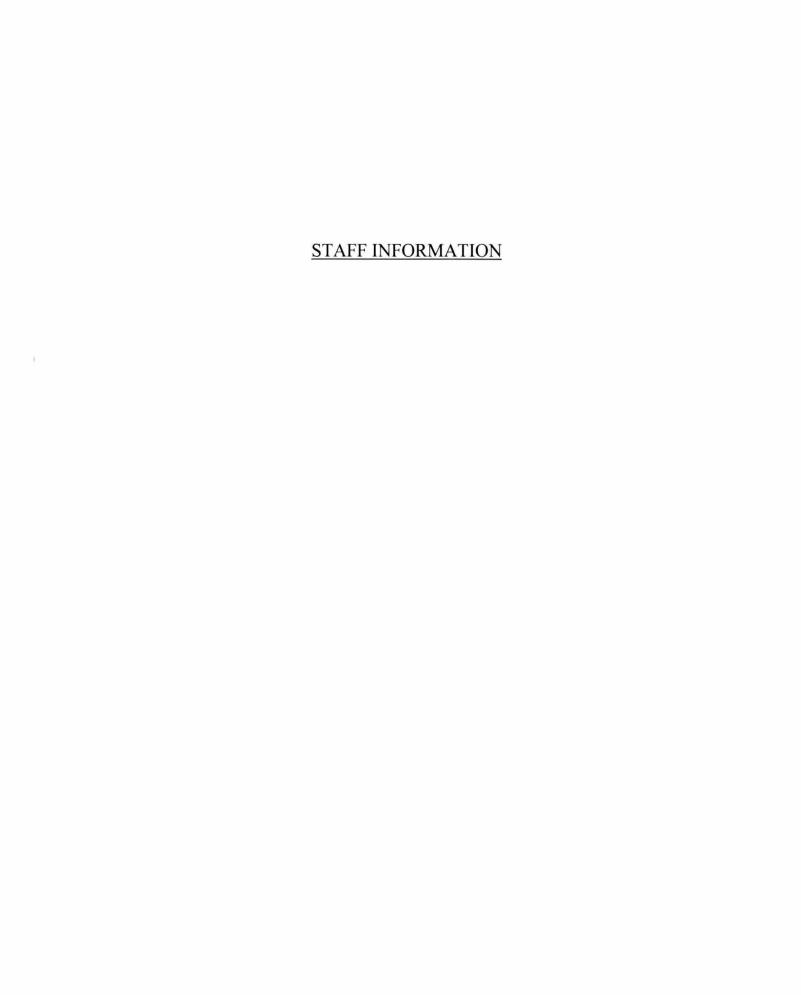


Photo 5 – Residential Property on East (R-A)



Photo 6 - View of Subject Property from East



### September 19, 2018

TO:

Elmer Medina

FROM:

Catalina Lehner, Senior Planner

City of Albuquerque Planning Department

TEL:

(505) 924-3935

RE:

Project #2018-001497 (1011473), Griegos Rd. Zone Change

I've completed a first review of the proposed zone map amendment (zone change) request. I have a few questions and some suggestions that will help strengthen the justification. I am available to answer questions about the process and requirements. Please provide the following:

⇒ A revised zone change justification letter pursuant to the zone change criteria (one copy) by:

### 12 pm on Wednesday, September 26, 2018.

Note: If you have trouble with this deadline, please let me know.

### 1) Introduction:

- A. Though I've done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately.
- B. This is what I have for the legal description: MRGCD Map 31, Tract 63A2A1B, except portion to right-of-way of Griegos Rd. NW. Is this correct?
- C. Please provide a brief project letter (which can be the introduction to the zone change letter) that explains the project that the proposed zone change will make possible. This can be similar to the information provided to neighbors.

### 2) Questions:

- A. Do you know how long the structure has been vacant?
- B. I saw the notes from the required PRT meeting in the file. A couple of options were discussed: expansion of a non-conforming use (a lesser process than a zone change, provided the non-conformance hasn't expired) and a City-sponsored zone change (free, and analysis done by City Staff). Why are you not pursuing either of these options, especially the free one that involves relatively little work on your part?
- C. I don't quite understand why there would be urgency for this project and why you apparently want to expand the

#### 3) Process:

A. Information regarding the EPC process, including the calendar and current Staff reports, can be found at:

http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission

- B. Timelines and EPC calendar: the EPC public hearing for October is the 11<sup>th</sup>. Final staff reports will be available one week prior, on October 4<sup>th</sup>.
- D. A pre-application review team (PRT) meeting is required. I saw the PRT notes in the file.
- E. Note that, if a zone change request is denied, you cannot reapply again for one year.
- F. Agency comments will be distributed on Wednesday, September 19<sup>th</sup>. I will email you a copy of the comments and will forward any late comments to you.

### 4) Notification & Neighborhood Issues:

Notification requirements for a zone change are found in Table 6-1-1 (IDO, p. 328) and are explained in Section 6-4(K), Public Notice (IDO, p. 345).

- A. Have any neighborhood representatives or members of the public contacted you? Are you aware of any concerns? As of this writing, no one has contacted me.
- B. I have cross-checked notification and believe that it's complete.

### 5) Zone Map Amendment (zone change)- General:

Please note: I'm happy to assist you as much as I can, although I cannot write the justification or do the thinking part on behalf of a private party.

- A. A zone change justification is all about the requirements of the zone change criteria and how a proposed project can be demonstrated to fulfill them. The merits of the project itself are not included. Neither is neighborhood support.
- B. The task is to choose applicable Goals and policies from the Comprehensive Plan and show how your request <u>furthers</u> the chosen Goals and policies. That is, how does the request relate to the chosen Goal or policy and make it a reality and why?

### 6) Zone Map Amendment (zone change)- Concepts & Research:

- A. Responding the Criteria A-J of the zone change criteria is more of a legal exercise than anything else. It is critical to "hit the nail on the head" both conceptually and in terms of form. This can be done by:
  - i. responding to each requirement in the customary way (see examples).
  - ii. using conclusory statements such as "because".
  - iii. re-phrasing the requirement itself in the response, and
  - iv. choosing an option when needed to respond to a requirement (ex. Criterion B, E, and H).
- B. Version 1 (v.1) of the zone change justification (not dated) is a good start but is would benefit from a strengthened policy analysis. Additional Goals and policies should be included, and the relationship between the request and each cited Goal or policy should be elaborated upon.
- C. Please review a recent zone change case and note how the criteria are responded to. Here is a link to a Staff report I wrote: <a href="http://documents.cabq.gov/planning/environmental-planning-commission/april-2018/agenda-6-1011513-palomas-barstow-zc-sup-2.pdf">http://documents.cabq.gov/planning/environmental-planning-commission/april-2018/agenda-6-1011513-palomas-barstow-zc-sup-2.pdf</a> note that it was

heard prior to the effective date of the IDO, so the zone change criteria are in a different order. Please focus on the analysis of Sections C and E.

Here is a more recent Staff report, written by a colleague- Project #2018-001426, for the September 13, 2018 hearing: <a href="http://documents.cabq.gov/planning/environmental-planning-commission/August2018/Agenda%203">http://documents.cabq.gov/planning/environmental-planning-commission/August2018/Agenda%203</a> 2018-001426 ZC Mountain.pdf

The Staff reports explain in detail regarding why the responses are sufficient or insufficient, so please read the analysis and incorporate this understanding into your own justification.

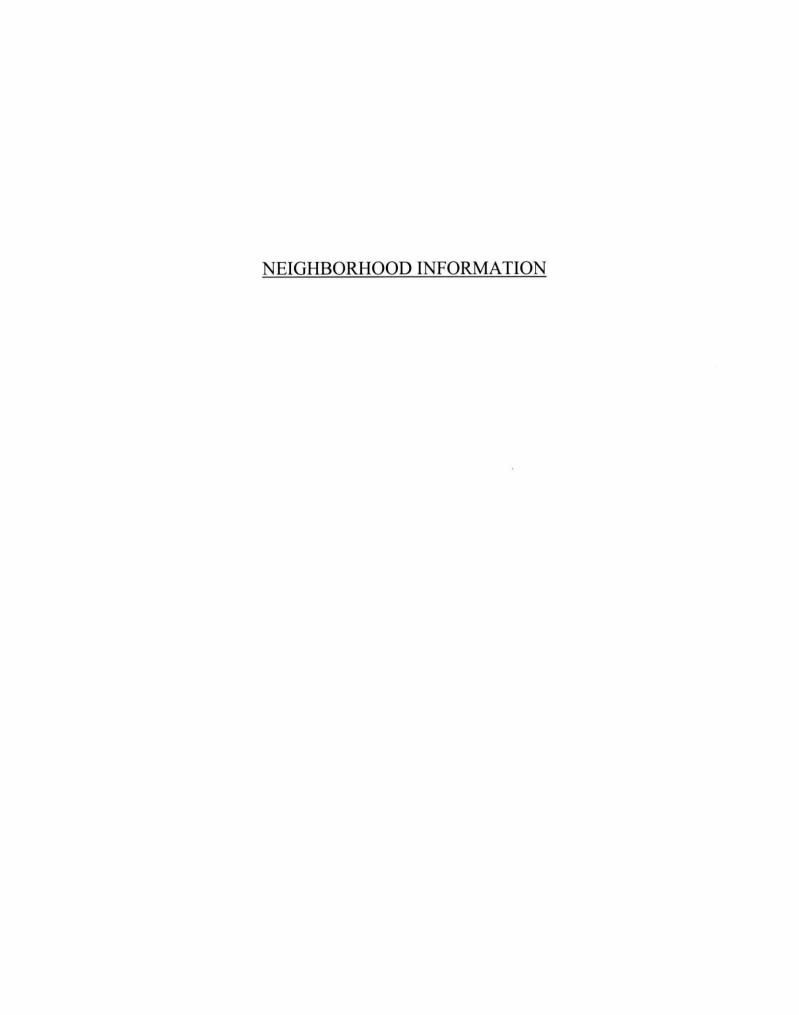
### 7) Zone Map Amendment (zone change)- Section by Section:

Please address and incorporate the following to provide a strengthened, approvable response to the zone change criteria.

- A. <u>Criterion A (re-do)</u>: Generally, the words of the Goal or policy cited need to be incorporated into your responses; otherwise, they are not sufficiently tied together and the link is not strong.
  - Additional citations of Goals and policies are needed.
  - Is the subject site in a designated Activity Center or along a designated Corridor?
  - Devil's advocate: the rehabilitation and site improvements could occur without the zone change.
  - Tip: do not choose Goals and policies that have to do with site design, because a site development plan is not a part of the request, unless you can tie them to IDO requirements in some way.
  - Be sure to include a conclusory statement regarding the entirety of Criterion A.
- B. <u>Criterion B (re-do):</u> The criterion requires a demonstration that the new zone would "clearly reinforce or strengthen the established character..." since the subject site is in an Area of Consistency, where stability is expected. This is a rigorous test. Please choose one of the criteria listed and elaborate a more thorough response, being sure to re-state the requirement in the response.
- C. Criterion C: OK
- D. <u>Criterion D (re-do)</u>: To properly answer this test requires a discussion of the permissive uses in the proposed zone. Please list them and discuss, with emphasis on whether or not they would be harmful to adjacent property, the neighborhood, or the community.
- E. Criterion E: OK
- F. <u>Criterion F (strengthen):</u> Re-state the requirement in the response. Is Griegos Rd. considered a major street? What is its designation?
- G. <u>Criterion G (clarify)</u>: Re-state the requirement in the response. It appears that the request is predominantly for economic reasons because, if it was not, then it would be acceptable to wait for the City-sponsored zone change process (which would be free).

H. <u>Criterion H (re-do):</u> The first part of the question is about facilitating implementation of the Comp Plan. Please respond. Then choose 1, 2, or 3 and respond accordingly.

Claiming that another group of properties is a spot zone doesn't help your case. Also, please check the definition of spot zone in the context of the regulation. What other MX-T zoning is in the area?





### Neighborhood Meeting Inquiry\_1711 Griegos Rd NW\_EPC

1 message

Quevedo, Vicente M. <vquevedo@cabq.gov>
To: "m.elmer.medina@gmail.com" <m.elmer.medina@gmail.com>

Wed, Aug 8, 2018 at 11:54 AM

Elmer.

See list of affected associations below and attached related to your scheduling of a Neighborhood Meeting. Please also review the attached instruction sheet. Thank you

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Rio Grande Boulevard NA	Jim	Kenney	kenney.jim@gmail.com	2416 Arbor Road NW	Albuquerque	NM	87107	3038596634	
Rio Grande Boulevard NA	Eleanor	Walther	eawalth@comcast.net	2212 Camino De Los Artesanos NW	Albuquerque	NM	87107	5053854570	5053421820
South Guadalupe Trail NA	Andy	Apple	andyapple62@gmail.com	5116 Guadalupe Trail NW	Albuquerque	NM	87107	5052281273	
South Guadalupe Trail NA	Margaret	Freeman	rabfreeman1@gmail.com	1505 Plaza Encantada NW	Albuquerque	NM	87107	5052281397	
North Valley Coalition	Doyle	Kimbrough	newmexmba@aol.com	2327 Campbell Road NW	Albuquerque	NM	87104	5052490938	5053441364
North Valley Coalition	Peggy	Norton	nvcabq@gmail.com	P.O. Box 70232	Albuquerque	NM	87197		5053459567

Respectfully,

#### Vicente M. Quevedo, MCRP

Neighborhood Liaison

Office of Neighborhood Coordination

City of Albuquerque – City Council

(505) 768-3332

Website: www.cabq.gov/neighborhoods



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From: webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] On Behalf Of ISD WebMaster

Sent: Monday, August 06, 2018 3:57 PM

To: Office of Neighborhood Coordination <onc@cabq.gov>

Subject: Neighborhood Meeting Inquiry Sheet Submission

Neighborhood Meeting Inquiry For.

Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Neighborhood Meeting Inquiry for below:

Contact Name

Elmer Medina

Telephone Number

505-980-1422

Email Address

m.elmer.medina@gmail.com

Company Name

Self Company Address City Albuquerque State NM ZIP 87107 Legal description of the subject site for this project: 1711 Griegos Rd NW MRGCD MAP 31 TR 63A2A1B EXC PORTO R/W GRIEGOS RD NW CONT 0.234 AC Physical address of subject site: 1711 Griegos Rd NW Subject site cross streets: 12th Street, Rio Grande Other subject site identifiers: This site is located on the following zone atlas page: F-13-Z

3 attachments

- DOZoneAtlasPage\_F-13-Z.PDF
- Neighborhood Meeting Inquiry\_1711 Griegos Rd NW\_EPC.xlsx 15K

This message has been analyzed by Deep Discovery Email Inspector.

Neighborhood Mtg Inq Instruction Sheet\_5\_21\_18.pdf



## Notice to affected Neighborhood Association representative

1 message

Elmer Medina <m.elmer.medina@gmail.com>
To: Jim Kenney <kenney.jim@gmail.com>

Wed, Aug 29, 2018 at 11:24 PM

Jim,

When I went to the city to review my packet they said it was required that I send email notifications to affected Neighborhood Associations. The content in the email is identical to the certified letter I sent on 8/9/18.

I am planning on renovating the property at 1711 Griegos so I can live there. It is currently tagged as a "SUBSTANDARD BUILDING" by the City of Albuquerque. I have been working with an architect for the last few months on building plans and while researching the allowable uses for the property it was discovered as zoned, MX-L, a single-family dwelling is not an allowed use. I am proposing downgrading the zoning from MX-L to MX-T. A single-family dwelling is a primary use allowable by right in a MX-T zoned property.

Prior to filing an application with the Planning Department, I am required to notify any applicable neighborhood and/or homeowner associations and offer at least 1 meeting to all Recognized and Non-recognized Neighborhood Associations whose boundaries include or are adjacent to the subject project site before filing the application.

The property site is: 1711 Griegos Rd NW; Albuquerque, NM 87107 My contact information is: Elmer Medina

847 Griegos Rd NW Albuquerque, NM 87107 (505)980-1422 m.elmer.medina@gmail.com

An EPC Public Hearing will be held on October 11, 2018 beginning at 8:30 AM. at the Plaza Del Sol Hearing Room, Lower Level, 600 2nd Street NW.



# Notice to affected Neighborhood Association representative

1 message

Elmer Medina <m.elmer.medina@gmail.com>
To: ELEANOR WALTHER <eawalth@comcast.net>

Wed, Aug 29, 2018 at 11:26 PM

Eleanor,

When I went to the city to review my packet they said it was required that I send email notifications to affected Neighborhood Associations. The content in the email is identical to the certified letter I sent on 8/9/18.

I am planning on renovating the property at 1711 Griegos so I can live there. It is currently tagged as a "SUBSTANDARD BUILDING" by the City of Albuquerque. I have been working with an architect for the last few months on building plans and while researching the allowable uses for the property it was discovered as zoned, MX-L, a single-family dwelling is not an allowed use. I am proposing downgrading the zoning from MX-L to MX-T. A single-family dwelling is a primary use allowable by right in a MX-T zoned property.

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The property site is: 1711 Griegos Rd NW; Albuquerque, NM 87107 My contact information is:
Elmer Medina
847 Griegos Rd NW
Albuquerque, NM 87107
(505)980-1422
m.elmer.medina@gmail.com

An EPC Public Hearing will be held on October 11, 2018 beginning at 8:30 AM. at the Plaza Del Sol Hearing Room, Lower Level, 600 2nd Street NW.

M. Elmer Medina

1 of 1 8/29/2018, 11:26 PM



### Notice to affected Neighborhood Association representative

1 message

Elmer Medina <m.elmer.medina@gmail.com>
To: andyapple62@gmail.com

Wed, Aug 29, 2018 at 11:27 PM

Andy,

When I went to the city to review my packet they said it was required that I send email notifications to affected Neighborhood Associations. The content in the email is identical to the certified letter I sent on 8/9/18.

I am planning on renovating the property at 1711 Griegos so I can live there. It is currently tagged as a "SUBSTANDARD BUILDING" by the City of Albuquerque. I have been working with an architect for the last few months on building plans and while researching the allowable uses for the property it was discovered as zoned, MX-L, a single-family dwelling is not an allowed use. I am proposing downgrading the zoning from MX-L to MX-T. A single-family dwelling is a primary use allowable by right in a MX-T zoned property.

Prior to filing an application with the Planning Department, I am required to notify any applicable neighborhood and/or homeowner associations and offer at least 1 meeting to all Recognized and Non-recognized Neighborhood Associations whose boundaries include or are adjacent to the subject project site before filing the application.

The property site is: 1711 Griegos Rd NW; Albuquerque, NM 87107 My contact information is:
Elmer Medina
847 Griegos Rd NW
Albuquerque, NM 87107
(505)980-1422
m.elmer.medina@gmail.com

An EPC Public Hearing will be held on October 11, 2018 beginning at 8:30 AM. at the Plaza Del Sol Hearing Room, Lower Level, 600 2nd Street NW.

M. Elmer Medina



1 of 1 8/29/2018, 11:27 PM



# Notice to affected Neighborhood Association representative

1 message

Elmer Medina <m.elmer.medina@gmail.com>
To: rabfreeman1@gmail.com

Wed, Aug 29, 2018 at 11:29 PM

Margaret,

When I went to the city to review my packet they said it was required that I send email notifications to affected Neighborhood Associations. The content in the email is identical to the certified letter I sent on 8/9/18.

I am planning on renovating the property at 1711 Griegos so I can live there. It is currently tagged as a "SUBSTANDARD BUILDING" by the City of Albuquerque. I have been working with an architect for the last few months on building plans and while researching the allowable uses for the property it was discovered as zoned, MX-L, a single-family dwelling is not an allowed use. I am proposing downgrading the zoning from MX-L to MX-T. A single-family dwelling is a primary use allowable by right in a MX-T zoned property.

Prior to filing an application with the Planning Department, I am required to notify any applicable neighborhood and/or homeowner associations and offer at least 1 meeting to all Recognized and Non-recognized Neighborhood Associations whose boundaries include or are adjacent to the subject project site before filing the application.

The property site is: 1711 Griegos Rd NW; Albuquerque, NM 87107 My contact information is: Elmer Medina 847 Griegos Rd NW Albuquerque, NM 87107 (505)980-1422 m.elmer.medina@gmail.com

An EPC Public Hearing will be held on October 11, 2018 beginning at 8:30 AM. at the Plaza Del Sol Hearing Room, Lower Level, 600 2nd Street NW.



# Notice to affected Neighborhood Association representative

1 message

Elmer Medina <m.elmer.medina@gmail.com>
To: newmexmba@aol.com

Wed, Aug 29, 2018 at 11:30 PM

Doyle,

When I went to the city to review my packet they said it was required that I send email notifications to affected Neighborhood Associations. The content in the email is identical to the certified letter I sent on 8/9/18.

I am planning on renovating the property at 1711 Griegos so I can live there. It is currently tagged as a "SUBSTANDARD BUILDING" by the City of Albuquerque. I have been working with an architect for the last few months on building plans and while researching the allowable uses for the property it was discovered as zoned, MX-L, a single-family dwelling is not an allowed use. I am proposing downgrading the zoning from MX-L to MX-T. A single-family dwelling is a primary use allowable by right in a MX-T zoned property.

Prior to filing an application with the Planning Department, I am required to notify any applicable neighborhood and/or homeowner associations and offer at least 1 meeting to all Recognized and Non-recognized Neighborhood Associations whose boundaries include or are adjacent to the subject project site before filing the application.

The property site is: 1711 Griegos Rd NW; Albuquerque, NM 87107 My contact information is: Elmer Medina 847 Griegos Rd NW Albuquerque, NM 87107 (505)980-1422 m.elmer.medina@gmail.com

An EPC Public Hearing will be held on October 11, 2018 beginning at 8:30 AM. at the Plaza Del Sol Hearing Room, Lower Level, 600 2nd Street NW.



# Notice to affected Neighborhood Association representative

1 message

Elmer Medina <m.elmer.medina@gmail.com>
To: nvcabq@gmail.com

Wed, Aug 29, 2018 at 11:31 PM

Peggy,

When I went to the city to review my packet they said it was required that I send email notifications to affected Neighborhood Associations. The content in the email is identical to the certified letter I sent on 8/9/18.

I am planning on renovating the property at 1711 Griegos so I can live there. It is currently tagged as a "SUBSTANDARD BUILDING" by the City of Albuquerque. I have been working with an architect for the last few months on building plans and while researching the allowable uses for the property it was discovered as zoned, MX-L, a single-family dwelling is not an allowed use. I am proposing downgrading the zoning from MX-L to MX-T. A single-family dwelling is a primary use allowable by right in a MX-T zoned property.

Prior to filing an application with the Planning Department, I am required to notify any applicable neighborhood and/or homeowner associations and offer at least 1 meeting to all Recognized and Non-recognized Neighborhood Associations whose boundaries include or are adjacent to the subject project site before filing the application.

The property site is: 1711 Griegos Rd NW; Albuquerque, NM 87107 My contact information is: Elmer Medina 847 Griegos Rd NW Albuquerque, NM 87107 (505)980-1422 m.elmer.medina@gmail.com

An EPC Public Hearing will be held on October 11, 2018 beginning at 8:30 AM. at the Plaza Del Sol Hearing Room, Lower Level, 600 2nd Street NW.

-typical-

Elmer Medina 847 Griegos Rd NW Albuquerque, NM 87107 (505)980-1422 m.elmer.medina@gmail.com August 8, 2018

Jim Kenney Rio Grande Boulevard NA 2416 Arbor Road NW Albuquerque, NM 87107

### Dear Jim Kenney:

I am planning on renovating the property at 1711 Griegos so I can live there. It is currently tagged as a "SUBSTANDARD BULDING" by the City of Albuquerque. I have been working with an architect for the last few months on building plans and while researching the allowable uses for the property it was discovered as zoned, MX-L a single-family dwelling is not an allowed use. I am proposing downgrading the zoning from MX-L to MX-T. A single-family dwelling is a primary use allowable by right in a MX-T zoned property.

Prior to filing an application with the Planning Department, I am required to notify any applicable neighborhood and/or homeowner associations and offer at least 1 meeting to all Recognized and Non- recognized Neighborhood Associations whose boundaries include or are adjacent to the subject project site before filing the application.

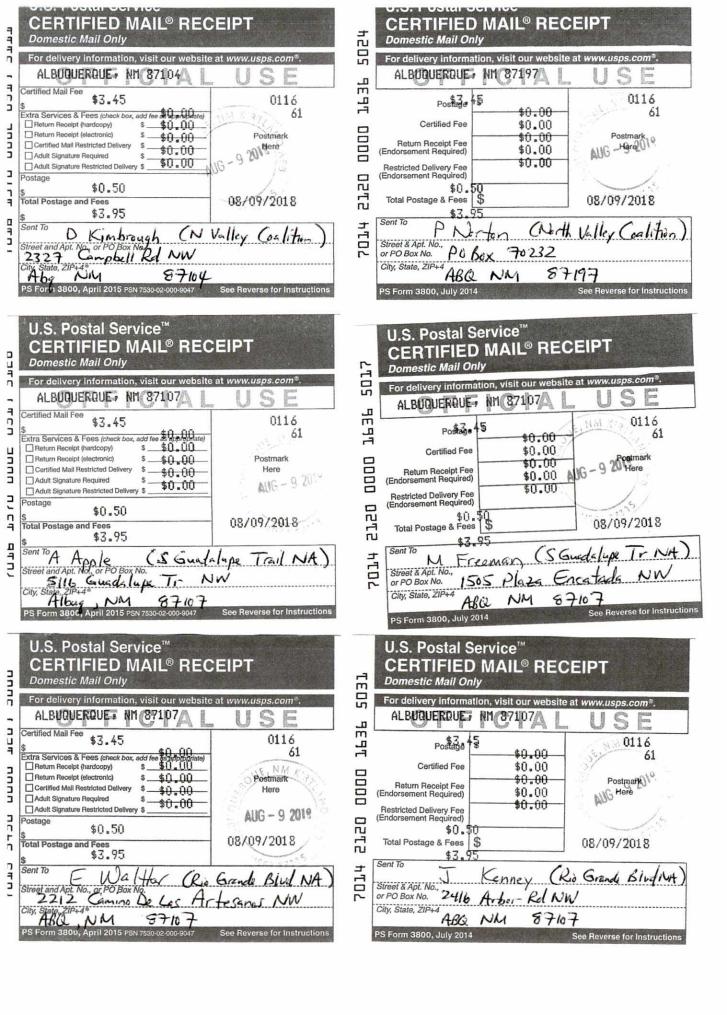
The property site is: 1711 Griegos Rd NW; Albuquerque, NM 87107 My contact information is listed above.

An EPC Public Hearing will be held on October 11, 2018 beginning at 8:30 AM. at the Plaza Del Sol Hearing Room, Lower Level, 600 2nd Street NW.

Applicable Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Planning Department by email at devhelp@cabq.gov or by phone at (505) 924-3955.

Sincerely,

Elmer Medina





### **Buffer map 1711 Griegos NW**

1 message

**Delgado**, **Geraldine C.** <gdelgado@cabq.gov>
To: "m.elmer.medina@gmail.com" <m.elmer.medina@gmail.com>

Fri, Jul 27, 2018 at 4:05 PM

Elmer,

Attached is the buffer map in requested for 1711 Griegos NW. Let me know if you have any questions regarding the buffer map.

Thank you,



#### **GERALDINE DELGADO**

senior office assistant

- o 505.924.3860
- e gdelgado@cabq.gov

cabq.gov/planning

### 3 attachments





1711 Griegos NW Labels.docx

Elmer Medina 847 Griegos Rd NW Albuquerque, NM 87107 (505)980-1422 m.elmer.medina@gmail.com August 30, 2018

I am planning on renovating the property at 1711 Griegos so I can live there. It is currently tagged as a "SUBSTANDARD BULDING" by the City of Albuquerque. I have been working with an architect for the last few months on building plans and while researching the allowable uses for the property it was discovered as zoned, MX-L a single-family dwelling is not an allowed use. I am proposing downzoning from MX-L to MX-T. A single-family dwelling is a primary use allowable by right in a MX-T zoned property.

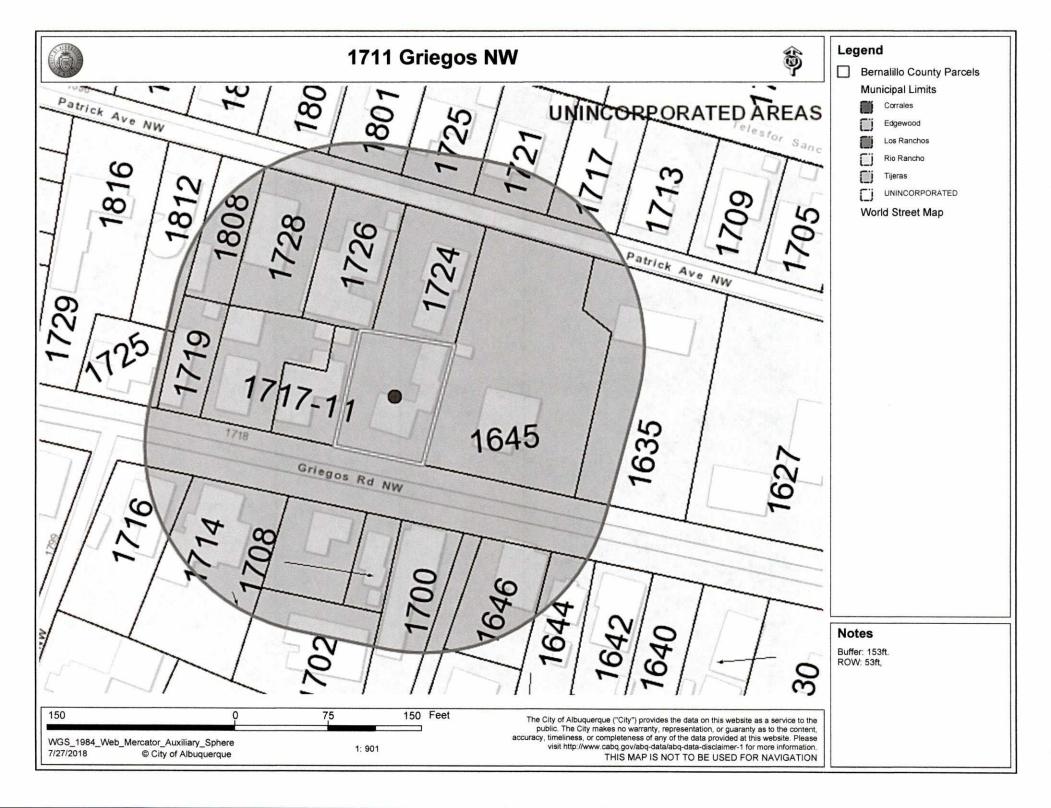
Per the City of Albuquerque Integrated Development Ordinance section 6-4(K)(2)(b) - For Administrative Decisions, Decisions Requiring a Public Meeting or Hearing, Amendments to Zoning Map, Adoption or Amendment of Historic Designation, or Annexation of Land as shown in Table 6-1-1, the applicant shall mail a notice to all owners, as listed in the records of the County Assessor, of property located partially or completely within 100 feet (excluding public rights-of-way) of the property listed in the application.

The property site is: 1711 Griegos Rd NW; Albuquerque, NM 87107 My contact information is listed above.

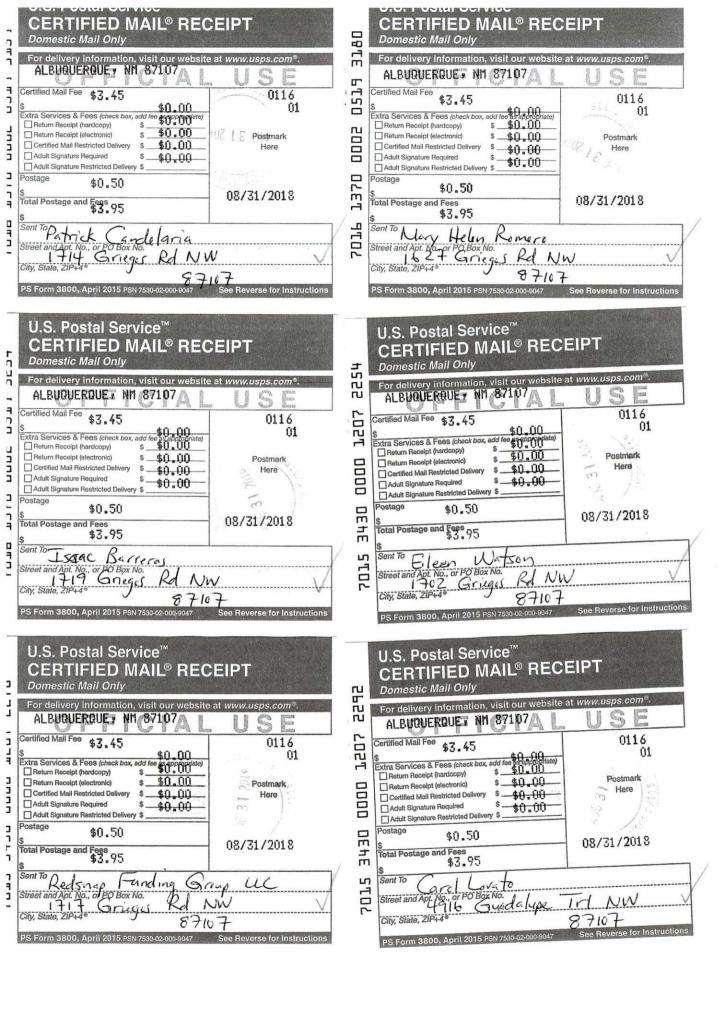
An EPC Public Hearing is required and will be held on October 11, 2018 beginning at 8:30 AM. at the Plaza Del Sol Hearing Room, Lower Level, 600 2nd Street NW.

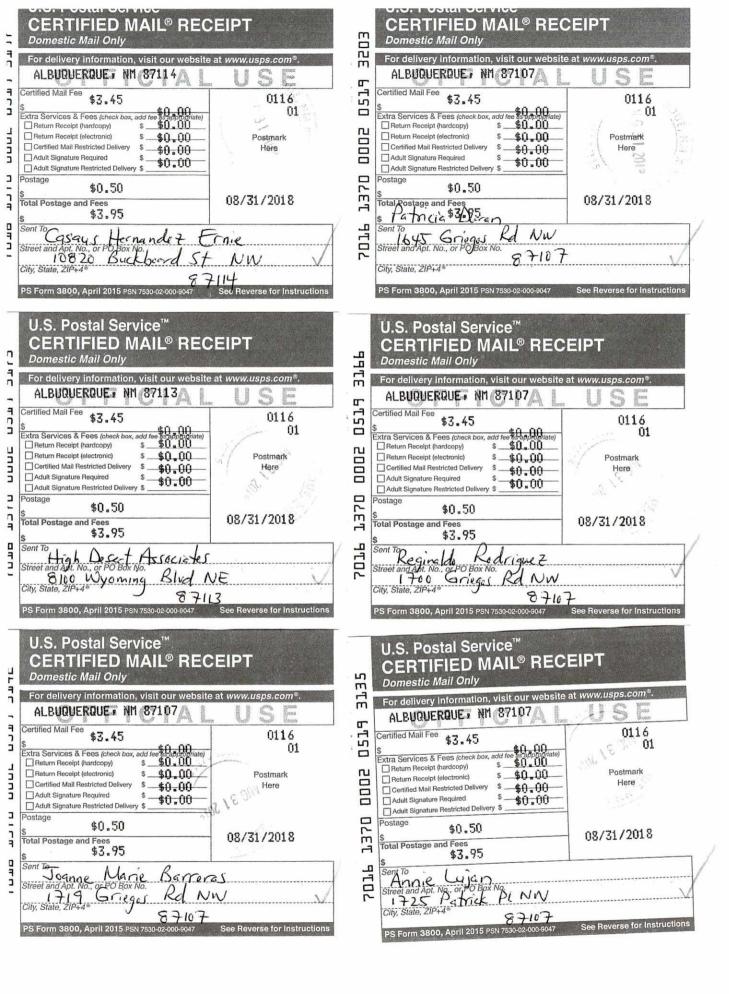
Sincerely,

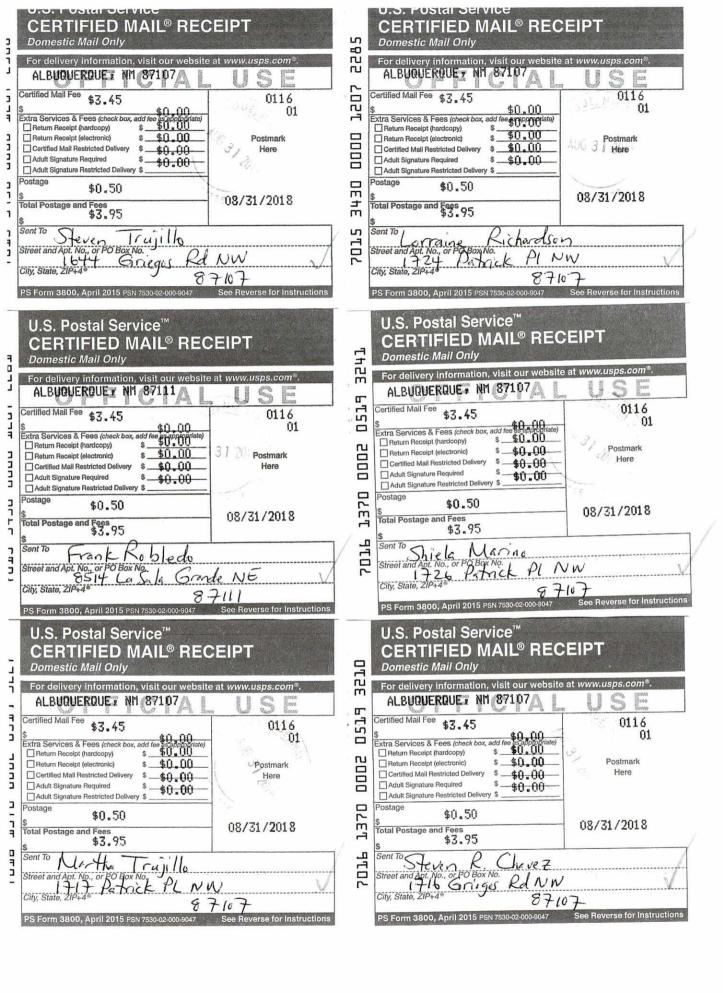
Elmer Medina

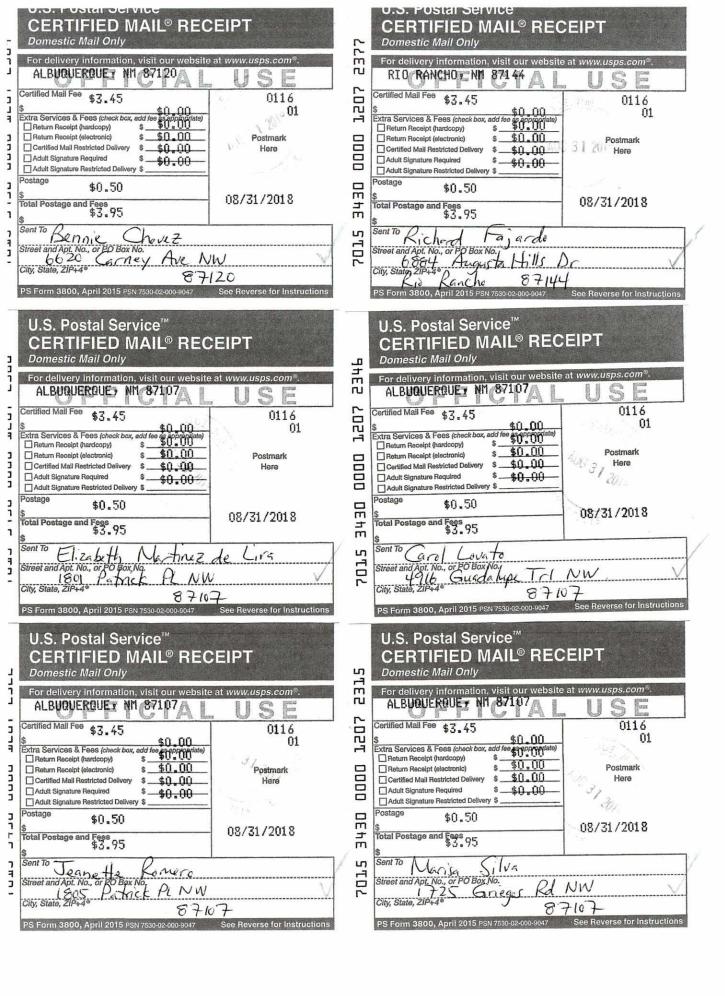


Owner	Owner Address	Owner Address 2	SITUS Address
LOVATO CAROL N TRUSTEE LOVATO TRUST	4916 GUADALUPE TRL NW	ALBUQUERQUE NM 87107-3350	1708 GRIEGOS RD NW
TRUJILLO STEPHEN S & TRINA L	1644 GRIEGOS RD NW	ALBUQUERQUE NM 87107	1644 GRIEGOS RD NW
RICHARDSON LORRAINE M	1724 PATRICK PL NW	ALBUQUERQUE NM 87107	1724 PATRICK PL NW
REDSNAP FUNDING GROUP LLC	1717 GRIEGOS RD NW	ALBUQUERQUE NM 87107	1717 GRIEGOS RD NW
ROBLEDO FRANK N TR ROBLEDO RVT	8514 LA SALA GRANDE NE	ALBUQUERQUE NM 87111-4565	1728 PATRICK PL NW
WATSON EILEEN E	1702 GRIEGOS RD NW	ALBUQUERQUE NM 87107-3337	1702 GRIEGOS RD NW
GUTIERREZ LAUREN ROCHELLE & MAY AARON	1812 PATRICK PL NW	ALBUQUERQUE NM 87107-3375	1812 PATRICK PL NW
LOVATO CAROL N TRUSTEE LOVATO TRUST	4916 GUADALUPE TRL NW	ALBUQUERQUE NM 87107-3350	1708 5 GRIEGOS RD NW
MOODY MATT & SAMANTHA D	1430 21ST AVE SE	RIO RANCHO NM 87124-4623	1648 GRIEGOS RD NW
ROMERO JEANETTE	1805 PATRICK PL NW	ALBUQUERQUE NM 87107-3376	1805 PATRICK PL NW
SILVA MARISA & CORONA SYLVIA G & RUBEN G	1725 GRIEGOS RD NW	ALBUQUERQUE NM 87107	1725 GRIEGOS RD NW
MARTINEZ DE LIRA ELIZABETH	1801 PATRICK PL NW	ALBUQUERQUE NM 87107-3376	1801 PATRICK PL NW
FAJARDO RICHARD	6884 AUGUSTA HILLS DR	RIO RANCHO NM 87144	1650 GRIEGO RD NW
CHAVEZ BENNIE E & OPHELIA DORA C/O CYNTHIA CHAVEZ	6620 CARNEY AVE NW	ALBUQUERQUE NM 87120-4430	1721 PATRICK PL NW
BARRERAS ISAAC	1719 GRIEGOS RD NW	ALBUQUERQUE NM 87107	1719 GRIEGOS RD NW
MARINO SHEILA M	1726 PATRICK PL NW	ALBUQUERQUE NM 87107	1726 PATRICK PL NW
TRUJILLO MARTHA A	1717 PATRICK PL NW	ALBUQUERQUE NM 87107	1717 PATRICK PL NW
CHAVEZ STEPHEN R	1716 GRIEGOS RD NW	ALBUQUERQUE NM 87107	1716 GRIEGOS RD NW
DURAN PATRICIA	1645 GRIEGOS RD NW	ALBUQUERQUE NM 87107	1645 GRIEGOS RD NW
CASAUS HERNANDEZ ERNIE & THERESE CASAUS CO TRUSTEES	+ 10820 BUCKBOARD ST NW	ALBUQUERQUE NM 87114-5463	1646 GRIEGOS RD NW
ROMERO MARY HELEN	1627 GRIEGOS RD NW	ALBUQUERQUE NM 87107-3353	1635 GRIEGOS RD NW
HIGH DESERT ASSOCIATES LLC	8100 WYOMING BLVD NE SUITE M4	ALBUQUERQUE NM 87113-1963	1715 GRIEGOS RD NW
RODRIGUEZ REGINALDO & CONCEPCION	1700 GRIEGOS RD NW	ALBUQUERQUE NM 87107	1700 GRIEGOS RD NW
CANDELARIA PATRICK L	1714 GRIEGOS RD NW	ALBUQUERQUE NM 87107-3337	1714 GRIEGOS RD NW
BARRERAS JOANNE MARIE	1719 GRIEGOS RD NW	ALBUQUERQUE NM 87107-3336	1808 PATRICK PL NW
LUJAN ANNIE	1725 PATRICK PL NW	ALBUQUERQUE NM 87107-3377	1725 PATRICK PL NW
CORE CAPITAL FUNDING LLC C/O MEDINA ELMER	847 GRIEGOS RD NW	ALBUQUERQUE NM 87107-3744	1711 GRIEGOS RD NW











m	CERTIFIED MAIL® RECEIPT  Domestic Mail Only							
2353	For delivery information, visit our website at www.usps.com®.  ALBUQUERQUET NT 87107							
1207	Certified Mail Fee \$3.45  \$ \$0.00  Extra Services & Fees (check box, add fee as appropriate)    Return Receipt (hardcopy)	0116 01						
0000	Return Receipt (hardcopy) \$ \$\mathbb{90.00}\$     Return Receipt (electronic) \$ \$\mathbb{10.00}\$     Certified Mail Restricted Delivery \$ \$\mathbb{10.00}\$     Adult Signature Required \$ \$\mathbb{9.00}\$     Adult Signature Restricted Delivery \$	Postmark Here						
3430	Postage \$0.50 \$ Total Postage and Fees \$3.95	08/31/2018						
7015	Street and Apt. No. or POBOX No. 1612 Lauren City, State, 2/P+4*	W 107						
	PS Form 3800. April 2015 PSN 7530-02-000-9047	See Reverse for Instructions						

#### Attendance:

• Elmer Medina, Property Owner

Jim Kenney, Rio Grande Boulevard NA

Meeting Location: Flying Star (4026 Rio Grande Blvd NW)

Meeting Date:8/27/18 Meeting Time:3PM

### **Summary of Discussion:**

- Property history
  - Prior to being purchased:
    - Previous owner started remodeling the property.
    - Newly installed window were stolen.
    - Chain-link fence was stolen from the property
    - Garbage was dumped in the back yard of the property
    - Property has been graffiti on all the interior walls
    - Homeless people were sleeping inside the structure
    - Property was posted as sub-standard by the City of Albuquerque
  - I purchased at the end of Feburary
    - Working with an architect to complete floorplans
    - A wall has been constructed for security and noise abatement
- Explanation of current zone
  - Currently zoned MX-L. This zoning does not allow for single-family dwellings
- Explanation of proposed zone
  - Proposed rezone to MX-T because a single-family dwelling is an acceptable use case.
     Also, the current structure is right on the side property line and there are 0' setbacks allowed for MX-T zoned properties.
- Proposed plan for property
  - Rehabilitate the property and use it as my personal residence.
- NA feedback
  - o Membership was happy that the property is being worked on.
  - Asked if there was anything the NA could do for assistance.
  - No concerns from the NA at this time

Property Histry Explantion of current Zone proposed Zone oign In Sheef NO CONCERNS GROM RIGBNA A THIS TIME. Elmer Medin 8/27/18